

# CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of H.R. 1268, which the clerk will report.

The legislative clerk read as follows:

H.R. 1268, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for States driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 1268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

## **DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005**

### **[TITLE I—DEFENSE-RELATED APPROPRIATIONS**

#### **[CHAPTER 1**

#### **[DEPARTMENT OF DEFENSE**

#### **[DEPARTMENT OF DEFENSE—MILITARY**

#### **[MILITARY PERSONNEL**

#### **[MILITARY PERSONNEL, ARMY**

[For an additional amount for "Military Personnel, Army", \$11,779,642,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[MILITARY PERSONNEL, NAVY**

[For an additional amount for "Military Personnel, Navy", \$534,080,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[MILITARY PERSONNEL, MARINE CORPS**

[For an additional amount for "Military Personnel, Marine Corps", \$1,251,726,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[MILITARY PERSONNEL, AIR FORCE**

[For an additional amount for "Military Personnel, Air Force", \$1,473,472,000: *Pro-*

*vided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[RESERVE PERSONNEL, ARMY**

[For an additional amount for "Reserve Personnel, Army", \$40,327,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[RESERVE PERSONNEL, NAVY**

[For an additional amount for "Reserve Personnel, Navy", \$11,111,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[RESERVE PERSONNEL, MARINE CORPS**

[For an additional amount for "Reserve Personnel, Marine Corps", \$4,115,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[RESERVE PERSONNEL, AIR FORCE**

[For an additional amount for "Reserve Personnel, Air Force", \$130,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[NATIONAL GUARD PERSONNEL, ARMY**

[For an additional amount for "National Guard Personnel, Army", \$430,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[NATIONAL GUARD PERSONNEL, AIR FORCE**

[For an additional amount for "National Guard Personnel, Air Force", \$91,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE**

#### **[OPERATION AND MAINTENANCE, ARMY**

[For an additional amount for "Operation and Maintenance, Army", \$17,366,004,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, NAVY**

[For an additional amount for "Operation and Maintenance, Navy", \$3,030,801,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, MARINE CORPS**

[For an additional amount for "Operation and Maintenance, Marine Corps", \$982,464,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, AIR FORCE**

[For an additional amount for "Operation and Maintenance, Air Force", \$5,769,450,000:

*Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, DEFENSE-WIDE**

[For an additional amount for "Operation and Maintenance, Defense-Wide", \$3,061,300,000 (reduced by \$1,000,000) (increased by \$1,000,000), of which—

[(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

[(2) up to \$1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of funds provided in this paragraph: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, ARMY RESERVE**

[For an additional amount for "Operation and Maintenance, Army Reserve", \$8,154,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, NAVY RESERVE**

[For an additional amount for "Operation and Maintenance, Navy Reserve", \$75,164,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, MARINE CORPS RESERVE**

[For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$24,920,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD**

[For an additional amount for "Operation and Maintenance, Army National Guard", \$188,779,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID**

[For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid",

\$10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[AFGHANISTAN SECURITY FORCES FUND]**

##### **[(INCLUDING TRANSFER OF FUNDS)]**

**[For the "Afghanistan Security Forces Fund", \$1,285,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command-Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

#### **[IRAQ SECURITY FORCES FUND]**

##### **[(INCLUDING TRANSFER OF FUNDS)]**

**[For the "Iraq Security Forces Fund", \$5,700,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid;**

**procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That, notwithstanding any other provision of law, from funds made available under this heading, up to \$99,000,000 may be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: *Provided further*, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services, training and funding, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

#### **[PROCUREMENT]**

##### **[AIRCRAFT PROCUREMENT, ARMY]**

**[For an additional amount for "Aircraft Procurement, Army", \$458,677,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[MISSILE PROCUREMENT, ARMY]**

**[For an additional amount for "Missile Procurement, Army", \$340,536,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY]**

**[For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$2,678,747,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[PROCUREMENT OF AMMUNITION, ARMY]**

**[For an additional amount for "Procurement of Ammunition, Army", \$532,800,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency**

**requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[OTHER PROCUREMENT, ARMY]**

##### **[(INCLUDING TRANSFER OF FUNDS)]**

**[For an additional amount for "Other Procurement, Army", \$6,634,905,000, to remain available until September 30, 2007, of which \$85,000,000 shall be derived by transfer from "Iraq Freedom Fund": *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[AIRCRAFT PROCUREMENT, NAVY]**

**[For an additional amount for "Aircraft Procurement, Navy", \$200,295,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[WEAPONS PROCUREMENT, NAVY]**

**[For an additional amount for "Weapons Procurement, Navy", \$71,600,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS]**

**[For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$141,735,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[OTHER PROCUREMENT, NAVY]**

**[For an additional amount for "Other Procurement, Navy", \$78,372,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[PROCUREMENT, MARINE CORPS]**

**[For an additional amount for "Procurement, Marine Corps", \$3,588,495,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[AIRCRAFT PROCUREMENT, AIR FORCE]**

**[For an additional amount for "Aircraft Procurement, Air Force", \$279,241,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[PROCUREMENT OF AMMUNITION, AIR FORCE]**

**[For an additional amount for "Procurement of Ammunition, Air Force", \$6,998,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[OTHER PROCUREMENT, AIR FORCE]**

**[For an additional amount for "Other Procurement, Air Force", \$2,658,527,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this**

heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【PROCUREMENT, DEFENSE-WIDE】

【For an additional amount for “Procurement, Defense-Wide”, \$646,327,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【RESEARCH, DEVELOPMENT, TEST AND EVALUATION】

##### 【RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY】

【For an additional amount for “Research, Development, Test and Evaluation, Army”, \$25,170,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY】

【For an additional amount for “Research, Development, Test, and Evaluation, Navy”, \$202,051,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE】

【For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$121,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE】

【For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$159,600,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【REVOLVING AND MANAGEMENT FUNDS】

##### 【DEFENSE WORKING CAPITAL FUNDS】

【For an additional amount for “Defense Working Capital Funds”, \$1,411,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【NATIONAL DEFENSE SEALIFT FUND】

【For an additional amount for “National Defense Sealift Fund”, \$32,400,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【OTHER DEPARTMENT OF DEFENSE PROGRAMS】

##### 【DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE】

##### 【(INCLUDING TRANSFER OF FUNDS)】

【For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$257,000,000, to remain available

until December 31, 2005: *Provided*, That these funds may be used for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not to exceed \$70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【OFFICE OF THE INSPECTOR GENERAL】

【For an additional amount for “Office of the Inspector General”, \$148,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【RELATED AGENCIES】

##### 【INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT】

【For an additional amount for “Intelligence Community Management Account”, \$250,300,000, of which \$181,000,000 is to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### 【GENERAL PROVISIONS—THIS CHAPTER】

##### 【(TRANSFER OF FUNDS)】

【SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: *Provided further*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

【SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 969), is amended by striking “\$3,500,000,000” and inserting “\$5,500,000,000”: *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### 【(TRANSFER OF FUNDS)】

【SEC. 1103. During fiscal year 2005, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to section 2608 of title 10, United States Code, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

【SEC. 1104. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, “Drug Interdiction and Counter-Drug Activities, Defense”, not to exceed \$34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed \$4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

【(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

【(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

【(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

【SEC. 1105. The paragraph under the heading “Operation and Maintenance, Defense-Wide” in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 954), is amended in the first proviso by striking “\$32,000,000” and inserting “\$40,000,000”.

【SEC. 1106. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting “\$1,500,000,000” for “\$1,000,000,000”.

【SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447), is further amended by striking “\$500,000,000” in the matter preceding paragraph (1) and inserting “\$854,000,000”.

【SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking “\$185,000,000” and inserting “\$210,000,000”.

【SEC. 1109. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to

\$200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

[(1) a military operation, including a contingency operation; or

[(2) an operation in response to a declared emergency.

[(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

[(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

[SEC. 1110. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended—

[(1) in the matter preceding paragraph (1), by striking “in the fiscal year after the effective date of this Act” and inserting “during fiscal years 2005 and 2006”; and

[(2) in paragraph (1), by striking “500 new personnel billets” and inserting “a total of 500 new personnel positions”.

[SEC. 1111. Section 1051a(e) of title 10, United States Code, is amended by striking “September 30, 2005” and inserting “December 31, 2005”.

[SEC. 1112. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed \$10,000, and the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

[SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Section 1967 of title 38, United States Code, is amended—

[(1) in subsection (a)(3)(A)(i), by striking “\$250,000” and inserting “\$400,000 or such lesser amount as the member may elect in increments of \$50,000”; and

[(2) in subsection (a)(3)(B), by striking “member or spouse” in the last sentence and inserting “member, be evenly divisible by \$50,000 and, in the case of a member’s spouse”; and

[(3) in subsection (d), by striking “of \$250,000” and inserting “in effect under subsection (a)(3)(A)(i)”.

[(b) SPOUSE CONSENT AND BENEFICIARY NOTIFICATION.—Section 1967(a)(3)(B) of such title is amended—

[(1) by inserting “(i)” after “(B)”; and

[(2) by adding at the end the following new clauses:

[(i) A member who is married may not, without the written concurrence of the member’s spouse—

[(I) elect not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i); or

[(II) designate any other person as a beneficiary under this program.

[(iii) Whenever a member who is not married elects not to be insured under this sub-

chapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member’s next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.”.

[(c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such title is amended by inserting before the period at the end the following: “as applicable to such member under subparagraph (A)(i)”.

[(d) CONFORMING AMENDMENTS TO VGLI PROVISIONS.—Section 1977 of such title is amended by striking “\$250,000” each place it appears and inserting “\$400,000”.

[(e) MILITARY DEATH GRATUITY.—Section 1478 of title 10, United States Code, is amended—

[(1) in subsection (a), by striking “\$12,000 (as adjusted under subsection (c))” and inserting “\$100,000”; and

[(2) by striking subsection (c).

[(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

[SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CERTAIN PRIOR DEATHS IN SERVICE.—In the case of the death of a member of the uniformed services that is a qualifying death (as specified in subsection (b)), the Secretary concerned shall pay a death gratuity of not more than \$238,000. Of that amount—

[(1) \$150,000 shall be paid in the manner specified in subsection (c); and

[(2) \$88,000 shall be paid in the manner specified in subsection (d).

[(b) QUALIFYING DEATHS.—The death of a member of the uniformed services is a qualifying death for purpose of this section if—

[(1) the member died during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act;

[(2) for the purpose of section 1114(a)(2), the death was a direct result of an injury or illness (or combination of one or more injuries or illnesses) incurred in Operation Enduring Freedom or Operation Iraqi Freedom, as determined under regulations prescribed by the Secretary of Defense; and

[(3) for the purpose of section 1114(a)(1), the death was a direct result of an injury or illness (or combination of one or more injuries or illnesses) incurred by any active duty military member in the performance of duty.

[(c) SGLI BENEFICIARIES.—A payment pursuant to subsection (a)(1) by reason of a covered death shall be paid—

[(1) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code; or

[(2) in the case of a member who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

[(d) MILITARY DEATH GRATUITY BENEFICIARIES.—A payment pursuant to subsection (a)(2) by reason of a covered death shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under subchapter II of chapter 75 of title 10, United States Code.

[(e) STATUS OF PAYMENTS.—A death gratuity payable under this section by reason of

a qualifying death is in addition to any other death gratuity or other benefit payable by the United States by reason of that death.

[(f) DEFINITION.—For the purposes of this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 37, United States Code.”.

[SEC. 1115. Funds appropriated in this chapter, or made available by transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

[SEC. 1116. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

## [CHAPTER 2

### [DEPARTMENT OF DEFENSE

#### [MILITARY CONSTRUCTION, ARMY

[For an additional amount for “Military Construction, Army”, \$930,100,000, to remain available until September 30, 2006: *Provided*, That \$669,100,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108-342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### [MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

[For an additional amount for “Military Construction, Navy and Marine Corps”, \$92,720,000, to remain available until September 30, 2006: *Provided*, That \$32,380,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108-342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### [MILITARY CONSTRUCTION, AIR FORCE

[For an additional amount for “Military Construction, Air Force”, \$301,386,000, to remain available until September 30, 2006: *Provided*, That \$301,386,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108-342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the

amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### **[MILITARY PERSONNEL, ARMY]**

**[For an additional amount for "Military Personnel, Army", \$1,542,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

#### **[OPERATION AND MAINTENANCE, ARMY]**

**[For an additional amount for "Operation and Maintenance, Army", \$66,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

#### **[DEFENSE HEALTH PROGRAM]**

**[For an additional amount for "Defense Health Program", \$175,550,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

### **[TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR]**

#### **[CHAPTER 1]**

#### **[BILATERAL ECONOMIC ASSISTANCE]**

##### **[FUNDS APPROPRIATED TO THE PRESIDENT]**

##### **[UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT]**

##### **[INTERNATIONAL DISASTER AND FAMINE ASSISTANCE]**

**[For an additional amount for "International Disaster and Famine Assistance", \$44,000,000 (increased by \$50,000,000), to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT]**

**[For an additional amount for "Operating Expenses of the United States Agency for International Development", \$24,400,000, to remain available until September 30, 2006.**

##### **[OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT]**

##### **[OFFICE OF INSPECTOR GENERAL]**

**[For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", \$2,500,000, to remain available until September 30, 2006.**

##### **[OTHER BILATERAL ECONOMIC ASSISTANCE]**

##### **[ECONOMIC SUPPORT FUND]**

**[For an additional amount for "Economic Support Fund", \$684,700,000 (reduced by \$3,000,000), to remain available until September 30, 2006, of which up to \$200,000,000 may be provided for programs, activities, and efforts to support Palestinians.**

**[For an additional amount for "Economic Support Fund", \$376,500,000, to remain available until September 30, 2006: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

#### **[ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION]**

**[For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance for Ukraine, \$33,700,000, to remain available until September 30, 2006.**

#### **[DEPARTMENT OF STATE]**

##### **[INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT]**

##### **[(INCLUDING TRANSFER OF FUNDS)]**

**[For an additional amount for "International Narcotics Control and Law Enforcement", \$594,000,000, to remain available until September 30, 2007, of which not more than \$400,000,000 may be made available to provide assistance to the Afghan police: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[MIGRATION AND REFUGEE ASSISTANCE]**

**[For an additional amount for "Migration and Refugee Assistance", \$53,400,000 (increased by \$50,000,000), to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS]**

**[For an additional amount for "Non-proliferation, Anti-Terrorism, Demining and Related Programs", \$17,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[MILITARY ASSISTANCE]**

##### **[FUNDS APPROPRIATED TO THE PRESIDENT]**

##### **[FOREIGN MILITARY FINANCING PROGRAM]**

**[For an additional amount for the "Foreign Military Financing Program", \$250,000,000.**

##### **[PEACEKEEPING OPERATIONS]**

**[For an additional amount for "Peacekeeping Operations", \$10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).**

##### **[GENERAL PROVISIONS—THIS CHAPTER]**

**[SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961 is amended by striking "Iraq".**

##### **[(RESCISSION)]**

**[SEC. 2102. The unexpended balance appropriated by Public Law 108-11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.**

**[SEC. 2103. Section 559 of division D of Public Law 108-447 is amended by adding at the end the following:**

**["(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—**

**["(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and**

**["(2) an examination of all programs, projects, and activities carried out under**

**such Program, including both obligations and expenditures.".**

**[SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.**

**[SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading "Economic Support Fund" and "International Narcotics Control and Law Enforcement": *Provided*, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.**

**[SEC. 2106. No later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing—**

**[(1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities;**

**[(2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services;**

**[(3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel;**

**[(4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance;**

**[(5) the Palestinian Authority's cooperation with United States officials in their investigations into the late Palestinian leader Yasser Arafat's finances; and**

**[(6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors:**

**[*Provided*, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: *Provided further*, That up to \$5,000,000 of the funds made available for assistance to the West Bank and Gaza by this title under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority: *Provided further*, That the**

waiver authority of section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108-447) may not be exercised with respect to funds appropriated for assistance to the Palestinians under this chapter: *Provided further*, That the waiver detailed in Presidential Determination 2005-10 issued on December 8, 2004, shall not be extended to funds appropriated under this chapter.

#### [CHAPTER 2]

#### [DEPARTMENT OF STATE AND RELATED AGENCY]

##### [DEPARTMENT OF STATE]

##### [ADMINISTRATION OF FOREIGN AFFAIRS]

##### [DIPLOMATIC AND CONSULAR PROGRAMS]

[For an additional amount for “Diplomatic and Consular Programs”, \$748,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE]

[For an additional amount for “Embassy Security, Construction, and Maintenance”, \$592,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [INTERNATIONAL ORGANIZATIONS]

##### [CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES]

##### [(INCLUDING TRANSFER OF FUNDS)]

[For an additional amount for “Contributions for International Peacekeeping Activities”, \$580,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That up to \$55,000,000 provided under this heading may be transferred to “Peacekeeping Operations”, to be available for costs of establishing and operating a Sudan war crimes tribunal.

##### [RELATED AGENCY]

##### [BROADCASTING BOARD OF GOVERNORS]

##### [INTERNATIONAL BROADCASTING OPERATIONS]

[For an additional amount for “International Broadcasting Operations” for activities related to broadcasting to the broader Middle East, \$4,800,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### [CHAPTER 3]

#### [DEPARTMENT OF AGRICULTURE]

##### [FOREIGN AGRICULTURAL SERVICE]

##### [PUBLIC LAW 480 TITLE II GRANTS]

[For an additional amount for “Public Law 480 Title II Grants”, \$150,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### [TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR]

##### [CHAPTER 1]

##### [DEPARTMENT OF ENERGY]

##### [NATIONAL NUCLEAR SECURITY ADMINISTRATION]

##### [DEFENSE NUCLEAR NONPROLIFERATION]

[For an additional amount for “Defense Nuclear Nonproliferation”, \$110,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [CHAPTER 2]

#### [DEPARTMENT OF HOMELAND SECURITY]

##### [UNITED STATES COAST GUARD]

##### [OPERATING EXPENSES]

[For an additional amount for “Operating Expenses”, \$111,950,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS]

[For an additional amount for “Acquisition, Construction, and Improvements”, \$49,200,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [CHAPTER 3]

#### [DEPARTMENT OF JUSTICE]

##### [FEDERAL BUREAU OF INVESTIGATION]

##### [SALARIES AND EXPENSES]

[For an additional amount for “Salaries and Expenses”, \$78,970,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### [DRUG ENFORCEMENT ADMINISTRATION]

##### [SALARIES AND EXPENSES]

[For an additional amount for “Salaries and Expenses”, \$7,648,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### [TITLE IV—INDIAN OCEAN TSUNAMI RELIEF]

##### [CHAPTER 1]

##### [FUNDS APPROPRIATED TO THE PRESIDENT]

##### [OTHER BILATERAL ASSISTANCE]

##### [TSUNAMI RECOVERY AND RECONSTRUCTION FUND]

##### [(INCLUDING TRANSFERS OF FUNDS)]

[For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004, and for other purposes, \$656,000,000 (increased by \$3,000,000), to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to any Federal agency or account for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: *Provided further*, That upon a determination

that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That of the amounts provided herein: up to \$10,000,000 may be transferred to and consolidated with the Development Credit Authority for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to \$15,000,000 may be transferred to and consolidated with “Operating Expenses of the United States Agency for International Development”, of which up to \$2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to \$500,000 may be transferred to and consolidated with “Operating Expenses of the United States Agency for International Development, Office of Inspector General”; and up to \$5,000,000 may be transferred to and consolidated with “Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service” for the purpose of providing support services for U.S. citizen victims and related operations.

##### [GENERAL PROVISION]

[SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 to address relief and rehabilitation needs for countries affected by the tsunami and earthquake of December 2004, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

[SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by-project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.



## [CHAPTER 2

## [DEPARTMENT OF DEFENSE—MILITARY

## [OPERATION AND MAINTENANCE

## [OPERATION AND MAINTENANCE, NAVY

[For an additional amount for “Operation and Maintenance, Navy”, \$124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for “Operation and Maintenance, Marine Corps”, \$2,800,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for “Operation and Maintenance, Air Force”, \$30,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [OPERATION AND MAINTENANCE, DEFENSE-WIDE

[For an additional amount for “Operation and Maintenance, Defense-Wide”, \$29,150,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

[For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$36,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [CHAPTER 3

## [DEPARTMENT OF DEFENSE

## [DEFENSE HEALTH PROGRAM

[For an additional amount for “Defense Health Program”, \$3,600,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [CHAPTER 4

## [DEPARTMENT OF HOMELAND SECURITY

## [UNITED STATES COAST GUARD

## [OPERATING EXPENSES

[For an additional amount for “Operating Expenses”, \$350,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [CHAPTER 5

## [DEPARTMENT OF THE INTERIOR

## [UNITED STATES GEOLOGICAL SURVEY

## [SURVEYS, INVESTIGATIONS, AND RESEARCH

[For an additional amount for “Surveys, Investigations, and Research”, \$8,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [CHAPTER 6

## [DEPARTMENT OF COMMERCE

## [NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## [OPERATIONS, RESEARCH, AND FACILITIES

[For an additional amount for “Operations, Research, and Facilities”, \$4,830,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [PROCUREMENT, ACQUISITION AND CONSTRUCTION

[For an additional amount for “Procurement, Acquisition and Construction”, \$9,670,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## [TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

[SEC. 5001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

## [(INCLUDING TRANSFERS OF FUNDS)

[SEC. 5002. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108-287): *Provided*, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts shall be transferred between the following appropriations, in the amounts specified:

[To:

[Under the heading, “Research, Development, Test and Evaluation, Air Force, 2005/2006”, \$500,000;

[From:

[Under the heading, “Other Procurement, Air Force”, \$500,000.

[To:

[Under the heading, “Other Procurement, Air Force, 2005/2007”, \$8,200,000;

[From:

[Under the heading, “Other Procurement, Navy, 2005/2007”, \$8,200,000.

[SEC. 5003. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) and section 10 of Public Law 91-672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

[SEC. 5004. The last proviso under the heading “Operation and Maintenance” in title I of division C of Public Law 108-447 is amended by striking “Public Law 108-357” and inserting “Public Law 108-137”.

[SEC. 5005. Section 101 of title I of division C of Public Law 108-447 is amended by striking “per project” and all that follows through the period at the end and inserting “for all applicable programs and projects not to exceed \$80,000,000 in each fiscal year.”.

[SEC. 5006. The matter under the heading “Water and Related Resources” in title II of

division C of Public Law 108-447 is amended by inserting before the period at the end the following: “: *Provided further*, That \$4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106-554)”.

[SEC. 5007. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Department of Energy—Energy Programs—Nuclear Waste Disposal” is amended by—

[(1) inserting “to be derived from the Nuclear Waste Fund and” after “\$346,000,000,”; and

[(2) striking “to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act” and inserting “to participate in licensing activities and other appropriate activities pursuant to the Act”.

[SEC. 5008. Section 144(b)(2) of title I of division E of Public Law 108-447 is amended by striking “September 24, 2004” and inserting “November 12, 2004”.

[SEC. 5009. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108-447; House Report 108-792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading “Innovation and Improvement”—

[(1) the provision specifying \$500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read “Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative”;

[(2) the provision specifying \$2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read “Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program”;

[(3) the provision specifying \$1,000,000 for Battelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read “Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth”;

[(4) the provision specifying \$750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read “Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program”;

[(5) the provision specifying \$200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read “Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shreveview Elementary School and Wolftrap Elementary School”;

[(6) the provision specifying \$1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read “University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)”;

[(7) the provision specifying \$25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be

deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

[(8) the provision specifying \$780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

[(9) the provision specifying \$100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

[(10) the provision specifying \$100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowery Mission, New York, NY";

[(11) the provision specifying \$50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

[(12) the provision specifying \$30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Eljabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Eljabar"; and

[(13) the provision specifying \$163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read "Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative".

[SEC. 5010. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108-447; House Report 108-792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

[(1) the provision specifying \$145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

[(2) the provision specifying \$150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

[(3) the provision specifying \$100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs"; and

[(4) the provision specifying \$100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

[SEC. 5011. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108-447 is amended

by inserting before the period at the end the following: "": *Provided further*, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

[SEC. 5012. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended by inserting before the period "and section 303 of Public Law 108-422".

[SEC. 5013. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended by striking "that are deposited into the Medical Care Collections Fund may be transferred and merged with" and inserting "may be deposited into the".

[SEC. 5014. Section 1703(d)(2) of title 38, United States Code, is amended by striking "shall be available for the purposes" and inserting "shall be available, without fiscal limitation, for the purposes".

[SEC. 5015. Section 621 of title VI of division B of Public Law 108-199 is amended by striking "of passenger, cargo and other aviation services".

[SEC. 5016. Section 619(a) of title VI of division B of Public Law 108-447 is amended by striking "Asheville-Buncombe Technical Community College" and inserting "the International Small Business Institute".

[SEC. 5017. (a) Section 619(a) of title VI of division B of Public Law 108-447 is amended by striking "for the continued modernization of the Mason Building".

[(b) Section 621 of title VI of division B of Public Law 108-199, as amended by Public Law 108-447, is amended by striking "for the continued modernization of the Mason Building".

[SEC. 5018. The Department of Justice may transfer funds from any Department of Justice account to "Detention Trustee": *Provided*, That the notification requirement in section 605(b) of title VI of division B of Public Law 108-447 shall remain in effect for any such transfers.

[SEC. 5019. The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 108-7 is deemed to be amended—

[(1) with respect to item number 39 by striking "Conference and Workforce Center in Harrison, Arkansas" and inserting "in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center"; and

[(2) with respect to item number 316 by striking "for renovation of a visitor center to accommodate a Space and Flight Center" and inserting "to build-out the Prince George's County Economic Development and Business Assistance Center".

[SEC. 5020. The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended—

[(1) with respect to item number 56 by striking "Conference and Training Center" and inserting "North Arkansas College Health Sciences Education Center";

[(2) with respect to item number 102 by striking "to the Town of Groveland, California for purchase of a youth center" and inserting "to the County of Tuolumne for the purchase of a new youth center in the mountain community of Groveland";

[(3) with respect to item number 218 by striking "for construction" and inserting "for design and engineering";

[(4) with respect to item number 472 by striking "for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood" and inserting "for streetscape renovation"; and

[(5) with respect to item number 493 by striking "for land acquisition" and inserting "for planning and design of its Sports and Recreation Center and Education Complex".

[SEC. 5021. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended as follows—

[(1) with respect to item number 706 by striking "a public swimming pool" and inserting "recreation fields";

[(2) with respect to item number 667 by striking "to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building" and inserting "to the County of Appomattox, Virginia for renovation of the Carver-Price building";

[(3) with respect to item number 668 by striking "for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery" and inserting "for The Prizery in South Boston, Virginia for renovations and creation of a community arts center";

[(4) with respect to item number 669 by striking "for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center" and inserting "for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations";

[(5) with respect to item number 910 by striking "repairs to" and inserting "renovation and construction of"; and

[(6) with respect to item number 902 by striking "City of Brooklyn" and inserting "Fifth Ave Committee in Brooklyn".

[SEC. 5022. Section 308 of division B of Public Law 108-447 is amended by striking all after the words "shall be deposited", and inserting "as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.".

[SEC. 5023. Section 198 of division H of Public Law 108-447 is amended by inserting "under title 23 of the United States Code" after "law".

[SEC. 5024. The District of Columbia Appropriations Act, 2005 (Public Law 108-335) approved October 18, 2004, is amended as follows:

[(1) Section 331 is amended as follows:

[(A) in the first sentence by striking the word "\$15,000,000" and inserting "\$42,000,000, to remain available until expended," in its place; and

[(B) by amending paragraph (5) to read as follows:

[(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.".

[(2) By inserting a new section before the short title at the end to read as follows:

["SEC. 348. The amount appropriated by this Act may be increased by an additional amount of \$206,736,000 (including \$49,927,000 from local funds and \$156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

["(1) \$174,927,000 (including \$34,927,000 from local funds, and \$140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': *Provided*, That of the funds, \$33,000,000 from local funds shall remain available until expended: *Provided further*, That of the funds, \$140,000,000



from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15-717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

["(2) \$15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

["(3) \$14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

["(4) \$2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'."].

#### **[TITLE VI—**

#### **[HUMANITARIAN ASSISTANCE CODE OF CONDUCT**

##### **[SEC. 6001. SHORT TITLE.**

[This title may be cited as the "Humanitarian Assistance Code of Conduct Act of 2005".

##### **[SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF BENEFICIARIES OF HUMANITARIAN ASSISTANCE.**

[(a) PROHIBITION.—None of the funds made available for foreign operations, export financing, and related programs under the headings "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", "International Disaster and Famine Assistance", or "Transition Initiatives" may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

[(b) SIX CORE PRINCIPLES.—The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the following six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises:

[(1) "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment."

[(2) "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense."

[(3) "Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries."

[(4) "Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work."

[(5) "Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms."

[(6) "Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment."

##### **[SEC. 6003. REPORT.**

[Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of

this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a detailed report on the implementation of this title.

##### **[SEC. 6004. EFFECTIVE DATE; APPLICABILITY.**

[This title—

[(1) takes effect 60 days after the date of the enactment of this Act; and

[(2) applies to funds obligated after the effective date referred to in paragraph (1)—

[(A) for fiscal year 2005; and

[(B) any subsequent fiscal year.

#### **[TITLE VII—ADDITIONAL GENERAL PROVISIONS**

[SEC. 7001. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

[SEC. 7002. None of the funds made available in this Act may be used to fund any contract in contravention of section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)).

[SEC. 7003. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

[(1) Section 2340A of title 18, United States Code.

[(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

[This division may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

#### **[DIVISION B—REAL ID ACT OF 2005**

##### **[SECTION 1. SHORT TITLE.**

[This division may be cited as the "REAL ID Act of 2005".

##### **[TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY**

##### **[SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.**

[(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

[(1) by striking "The Attorney General" the first place such term appears and inserting the following:

["(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General";

[(2) by striking "the Attorney General" the second and third places such term appears and inserting "the Secretary of Homeland Security or the Attorney General"; and

[(3) by adding at the end the following:

["(B) BURDEN OF PROOF.—

["(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for persecuting the applicant.

["(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is

credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the applicant's burden of proof.

["(iii) CREDIBILITY DETERMINATION.—The trier of fact should consider all relevant factors and may, in the trier of fact's discretion, base the trier of fact's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (when ever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility."

[(b) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

["(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B)."]

[(c) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—

[(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

[(2) by inserting after paragraph (3) the following:

["(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—

["(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—

["(i) satisfies the applicable eligibility requirements; and

["(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

["(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden,

the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines in the judge's discretion that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence without departing from the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the burden of proof.

[(C) **CREDIBILITY DETERMINATION.**—The immigration judge should consider all relevant factors and may, in the judge's discretion, base the judge's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (when ever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.”]

[(d) **STANDARD OF REVIEW FOR ORDERS OF REMOVAL.**—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: “No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.”]

[(e) **CLARIFICATION OF DISCRETION.**—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

[(1) by inserting “or the Secretary of Homeland Security” after “Attorney General” each place such term appears; and

[(2) in the matter preceding clause (i), by inserting “and regardless of whether the judgment, decision, or action is made in removal proceedings,” after “other provision of law.”]

[(f) **REMOVAL OF CAPS.**—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

[(1) in subsection (a)(1)—

[(A) by striking “Service” and inserting “Department of Homeland Security”; and

[(B) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security or the Attorney General”;

[(2) in subsection (b)—

[(A) by striking “Not more” and all that follows through “asylum who—” and inserting “The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—”; and

[(B) in the matter following paragraph (5), by striking “Attorney General” and inserting “Secretary of Homeland Security or the Attorney General”;

[(3) in subsection (c), by striking “Attorney General” and inserting “Secretary of Homeland Security or the Attorney General”.

[(g) **EFFECTIVE DATES.**—

[(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

[(2) The amendments made by subsections (a)(3), (b), and (c) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other removal made on or after such date.

[(3) The amendment made by subsection (d) shall take effect on the date of the enactment of this division and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

[(4) The amendments made by subsection (e) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

[(5) The amendments made by subsection (f) shall take effect on the date of the enactment of this division.

[(h) **REPEAL.**—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

#### **SEC. 102. WAIVER OF LAWS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS.**

[Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

[(c) **WAIVER.**—

[(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section.

[(2) **NO JUDICIAL REVIEW.**—Notwithstanding any other provision of law (statutory or nonstatutory), no court, administrative agency, or other entity shall have jurisdiction—

[(A) to hear any cause or claim arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1); or

[(B) to order compensatory, declaratory, injunctive, equitable, or any other relief for damage alleged to arise from any such action or decision.”]

#### **SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.**

[(a) **IN GENERAL.**—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

[(i) **IN GENERAL.**—Any alien who—

[(I) has engaged in a terrorist activity;

[(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

[(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

[(IV) is a representative (as defined in clause (v)) of—

[(aa) a terrorist organization (as defined in clause (vi)); or

[(bb) a political, social, or other group that endorses or espouses terrorist activity;

[(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

[(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that

the organization was a terrorist organization;

[(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

[(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

[(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years,

is inadmissible.”]

[(b) **ENGAGE IN TERRORIST ACTIVITY DEFINED.**—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

[(iv) **ENGAGE IN TERRORIST ACTIVITY DEFINED.**—As used in this Act, the term ‘engage in terrorist activity’ means, in an individual capacity or as a member of an organization—

[(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

[(II) to prepare or plan a terrorist activity;

[(III) to gather information on potential targets for terrorist activity;

[(IV) to solicit funds or other things of value for—

[(aa) a terrorist activity;

[(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

[(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

[(V) to solicit any individual—

[(aa) to engage in conduct otherwise described in this subsection;

[(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

[(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

[(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

[(aa) for the commission of a terrorist activity;

[(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

[(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

[(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.

[This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist

activity, if the Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Attorney General, after consultation with the Secretary of State and the Secretary of Homeland Security, concludes in his sole unreviewable discretion, that this clause should not apply.”.

[(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

[(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term ‘terrorist organization’ means an organization—

[(I) designated under section 219;

[(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

[(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).”.

[(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this division, and these amendments, and section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this section, shall apply to—

[(1) removal proceedings instituted before, on, or after the date of the enactment of this division; and

[(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

#### SEC. 104. REMOVAL OF TERRORISTS.

[(a) IN GENERAL.—

[(1) IN GENERAL.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

[(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.”.

[(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this division, and the amendment, and section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)), as amended by such paragraph, shall apply to—

[(A) removal proceedings instituted before, on, or after the date of the enactment of this division; and

[(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

[(b) REPEAL.—Effective as of the date of the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), section 5402 of such Act is repealed, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

#### SEC. 105. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

[(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

[(1) in subsection (a)—

[(A) in paragraph (2)—

[(i) in subparagraph (A), by inserting “(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title” after “Notwithstanding any other provision of law”;

[(ii) in each of subparagraphs (B) and (C), by inserting “(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)” after “Notwithstanding any other provision of law”; and

[(iii) by adding at the end the following:

[(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in subparagraph (B) or (C), or in any other provision of this Act which limits or eliminates judicial review, shall be construed as precluding review of constitutional claims or pure questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section.”; and

[(B) by adding at the end the following:

[(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).

[(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms ‘judicial review’ and ‘jurisdiction to review’ include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).”.

[(2) in subsection (b)—

[(A) in paragraph (3)(B), by inserting “pursuant to subsection (f)” after “unless”; and

[(B) in paragraph (9), by adding at the end the following: “Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.”; and

[(3) in subsection (g), by inserting “(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title” after “notwithstanding any other provision of law”.

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this division and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this division.

[(c) TRANSFER OF CASES.—If an alien’s case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this di-

vision, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

[(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

#### SEC. 106. DELIVERY BONDS.

[(a) DEFINITIONS.—For purposes of this section:

[(1) DELIVERY BOND.—The term “delivery bond” means a written suretyship undertaking for the surrender of an individual against whom the Department of Homeland Security has issued an order to show cause or a notice to appear, the performance of which is guaranteed by an acceptable surety on Federal bonds.

[(2) PRINCIPAL.—The term “principal” means an individual who is the subject of a bond.

[(3) SURETYSHIP UNDERTAKING.—The term “suretyship undertaking” means a written agreement, executed by a bonding agent on behalf of a surety, which binds all parties to its certain terms and conditions and which provides obligations for the principal and the surety while under the bond and penalties for forfeiture to ensure the obligations of the principal and the surety under the agreement.

[(4) BONDING AGENT.—The term “bonding agent” means any individual properly licensed, approved, and appointed by power of attorney to execute or countersign surety bonds in connection with any matter governed by the Immigration and Nationality Act as amended (8 U.S.C. 1101, et seq.), and who receives a premium for executing or countersigning such surety bonds.

[(5) SURETY.—The term “surety” means an entity, as defined by, and that is in compliance with, sections 9304 through 9308 of title 31, United States Code, that agrees—

[(A) to guarantee the performance, where appropriate, of the principal under a bond;

[(B) to perform the bond as required; and

[(C) to pay the face amount of the bond as a penalty for failure to perform.

[(b) VALIDITY, AGENT NOT CO-OBLIGOR, EXPIRATION, RENEWAL, AND CANCELLATION OF BONDS.—

[(1) VALIDITY.—Delivery bond undertakings are valid if such bonds—

[(A) state the full, correct, and proper name of the alien principal;

[(B) state the amount of the bond;

[(C) are guaranteed by a surety and countersigned by an agent who is properly appointed;

[(D) bond documents are properly executed; and

[(E) relevant bond documents are properly filed with the Secretary of Homeland Security.

[(2) BONDING AGENT NOT CO-OBLIGOR, PARTY, OR GUARANTOR IN INDIVIDUAL CAPACITY, AND NO REFUSAL IF ACCEPTABLE SURETY.—Section 9304(b) of title 31, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, no bonding agent of a corporate surety shall be required to execute bonds as a co-obligor, party, or guarantor in an individual capacity on bonds provided by the corporate surety, nor shall a corporate surety bond be refused if the corporate surety appears on the current Treasury Department Circular 570 as a company holding a certificate of authority as an acceptable surety on Federal bonds and attached to the bond is a currently valid instrument showing the authority of the bonding agent of the surety company to execute the bond.”.

[(3) EXPIRATION.—A delivery bond undertaking shall expire at the earliest of—

[(A) 1 year from the date of issue;

[(B) at the cancellation of the bond or surrender of the principal; or

[(C) immediately upon nonpayment of the renewal premium.

[(4) RENEWAL.—Delivery bonds may be renewed annually, with payment of proper premium to the surety, if there has been no breach of conditions, default, claim, or forfeiture of the bond. Notwithstanding any renewal, when the alien is surrendered to the Secretary of Homeland Security for removal, the Secretary shall cause the bond to be canceled.

[(5) CANCELLATION.—Delivery bonds shall be canceled and the surety exonerated—

[(A) for nonrenewal after the alien has been surrendered to the Department of Homeland Security for removal;

[(B) if the surety or bonding agent provides reasonable evidence that there was misrepresentation or fraud in the application for the bond;

[(C) upon the death or incarceration of the principal, or the inability of the surety to produce the principal for medical reasons;

[(D) if the principal is detained by any law enforcement agency of any State, county, city, or any political subdivision thereof;

[(E) if it can be established that the alien departed the United States of America for any reason without permission of the Secretary of Homeland Security, the surety, or the bonding agent;

[(F) if the foreign state of which the principal is a national is designated pursuant to section 244 of the Act (8 U.S.C. 1254a) after the bond is posted; or

[(G) if the principal is surrendered to the Department of Homeland Security, removal by the surety or the bonding agent.

[(6) SURRENDER OF PRINCIPAL; FORFEITURE OF BOND PREMIUM.—

[(A) SURRENDER.—At any time, before a breach of any of the bond conditions, if in the opinion of the surety or bonding agent, the principal becomes a flight risk, the principal may be surrendered to the Department of Homeland Security for removal.

[(B) FORFEITURE OF BOND PREMIUM.—A principal may be surrendered without the return of any bond premium if the principal—

[(i) changes address without notifying the surety, the bonding agent, and the Secretary of Homeland Security in writing prior to such change;

[(ii) hides or is concealed from a surety, a bonding agent, or the Secretary;

[(iii) fails to report to the Secretary as required at least annually; or

[(iv) violates the contract with the bonding agent or surety, commits any act that

may lead to a breach of the bond, or otherwise violates any other obligation or condition of the bond established by the Secretary.

[(7) CERTIFIED COPY OF BOND AND ARREST WARRANT TO ACCOMPANY SURRENDER.—

[(A) IN GENERAL.—A bonding agent or surety desiring to surrender the principal—

[(i) shall have the right to petition the Secretary of Homeland Security or any Federal court, without having to pay any fees or court costs, for an arrest warrant for the arrest of the principal;

[(ii) shall forthwith be provided 2 certified copies each of the arrest warrant and the bond undertaking, without having to pay any fees or courts costs; and

[(iii) shall have the right to pursue, apprehend, detain, and surrender the principal, together with certified copies of the arrest warrant and the bond undertaking, to any Department of Homeland Security detention official or Department detention facility or any detention facility authorized to hold Federal detainees.

[(B) EFFECTS OF DELIVERY.—Upon surrender of a principal under subparagraph (A)(iii)—

[(i) the official to whom the principal is surrendered shall detain the principal in custody and issue a written certificate of surrender; and

[(ii) the Secretary of Homeland Security shall immediately exonerate the surety from any further liability on the bond.

[(8) FORM OF BOND.—Delivery bonds shall in all cases state the following and be secured by a corporate surety that is certified as an acceptable surety on Federal bonds and whose name appears on the current Treasury Department Circular 570:

[(“A) BREACH OF BOND; PROCEDURE, FORFEITURE, NOTICE.—

[(“i) If a principal violates any conditions of the delivery bond, or the principal is or becomes subject to a final administrative order of deportation or removal, the Secretary of Homeland Security shall—

[(“I) immediately issue a warrant for the principal’s arrest and enter that arrest warrant into the National Crime Information Center (NCIC) computerized information database;

[(“II) order the bonding agent and surety to take the principal into custody and surrender the principal to any one of 10 designated Department of Homeland Security ‘turn-in’ centers located nationwide in the areas of greatest need, at any time of day during 15 months after mailing the arrest warrant and the order to the bonding agent and the surety as required by subclause (III), and immediately enter that order into the National Crime Information Center (NCIC) computerized information database; and

[(“III) mail 2 certified copies each of the arrest warrant issued pursuant to subclause (I) and 2 certified copies each of the order issued pursuant to subclause (II) to only the bonding agent and surety via certified mail return receipt to their last known addresses.

[(“ii) Bonding agents and sureties shall immediately notify the Secretary of Homeland Security of their changes of address and/or telephone numbers.

[(“iii) The Secretary of Homeland Security shall establish, disseminate to bonding agents and sureties, and maintain on a current basis a secure nationwide toll-free list of telephone numbers of Department of Homeland Security officials, including the names of such officials, that bonding agents, sureties, and their employees may immediately contact at any time to discuss and resolve any issue regarding any principal or bond, to be known as ‘Points of Contact’.

[(“iv) A bonding agent or surety shall have full and complete access, free of charge, to

any and all information, electronic or otherwise, in the care, custody, and control of the United States Government or any State or local government or any subsidiary or police agency thereof regarding the principal that may be helpful in complying with section 105 of the REAL ID Act of 2005 that the Secretary of Homeland Security, by regulations subject to approval by Congress, determines may be helpful in locating or surrendering the principal. Beyond the principal, a bonding agent or surety shall not be required to disclose any information, including but not limited to the arrest warrant and order, received from any governmental source, any person, firm, corporation, or other entity.

[(“v) If the principal is later arrested, detained, or otherwise located outside the United States and the outlying possessions of the United States (as defined in section 101(a) of the Immigration and Nationality Act), the Secretary of Homeland Security shall—

[(“I) immediately order that the surety is completely exonerated, and the bond canceled; and

[(“II) if the Secretary of Homeland Security has issued an order under clause (i), the surety may request, by written, properly filed motion, reinstatement of the bond. This subclause may not be construed to prevent the Secretary of Homeland Security from revoking or resetting a bond at a higher amount.

[(“vi) The bonding agent or surety must—

[(“I) during the 15 months after the date the arrest warrant and order were mailed pursuant to clause (i)(III) surrender the principal one time; or

[(“II)(aa) provide reasonable evidence that producing the principal was prevented—

[(“aaa) by the principal’s illness or death;

[(“bbb) because the principal is detained in custody in any city, State, country, or any political subdivision thereof;

[(“ccc) because the principal has left the United States or its outlying possessions (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

[(“ddd) because required notice was not given to the bonding agent or surety; and

[(“bb) establish by affidavit that the inability to produce the principal was not with the consent or connivance of the bonding agent or surety.

[(“vii) If compliance occurs more than 15 months but no more than 18 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 25 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[(“viii) If compliance occurs more than 18 months but no more than 21 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 50 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[(“ix) If compliance occurs more than 21 months but no more than 24 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 75 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[(“x) If compliance occurs 24 months or more after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 100 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[(“xi) If any surety surrenders any principal to the Secretary of Homeland Security at any time and place after the period for compliance has passed, the Secretary of Homeland Security shall cause to be issued

to that surety an amount equal to 50 percent of the face amount of the bond: *Provided, however*, That if that surety owes any penalties on bonds to the United States, the amount that surety would otherwise receive shall be offset by and applied as a credit against the amount of penalties on bonds it owes the United States, and then that surety shall receive the remainder of the amount to which it is entitled under this subparagraph, if any.

“(xii) All penalties assessed against a surety on a bond, if any, shall be paid by the surety no more than 27 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III).

“(B) The Secretary of Homeland Security may waive penalties or extend the period for payment or both, if—

“(i) a written request is filed with the Secretary of Homeland Security; and

“(ii) the bonding agent or surety provides an affidavit that diligent efforts were made to effect compliance of the principal.

“(C) COMPLIANCE; EXONERATION; LIMITATION OF LIABILITY.—

“(i) COMPLIANCE.—A bonding agent or surety shall have the absolute right to locate, apprehend, arrest, detain, and surrender any principal, wherever he or she may be found, who violates any of the terms and conditions of his or her bond.

“(ii) EXONERATION.—Upon satisfying any of the requirements of the bond, the surety shall be completely exonerated.

“(iii) LIMITATION OF LIABILITY.—Notwithstanding any other provision of law, the total liability on any surety undertaking shall not exceed the face amount of the bond.”

“(c) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this division and shall apply to bonds and surety undertakings executed before, on, or after the date of the enactment of this division.

#### **[SEC. 107. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.**

“(a) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

“(2) subject to such reasonable regulations as the Secretary of Homeland Security may prescribe, shall permit agents, servants, and employees of corporate sureties to visit in person with individuals detained by the Secretary of and, subject to section 241(a)(8), may release the alien on a delivery bond of at least \$10,000, with security approved by the Secretary, and containing conditions and procedures prescribed by section 105 of the REAL ID Act of 2005 and by the Secretary, but the Secretary shall not release the alien on or to his own recognizance unless an order of an immigration judge expressly finds and states in a signed order to release the alien to his own recognizance that the alien is not a flight risk and is not a threat to the United States.”

“(b) REPEAL.—Section 286(r) of the Immigration and Nationality Act (8 U.S.C. 1356(r)) is repealed.

“(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this division.

#### **[SEC. 108. DETENTION OF ALIENS DELIVERED BY BONDSMEN.**

“(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following:

“(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel

any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond whether or not the Department of Homeland Security accepts custody of the alien. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.”

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this division and shall apply to all immigration bonds posted before, on, or after such date.

#### **[TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS**

##### **[SEC. 201. DEFINITIONS.**

“In this title, the following definitions apply:

“(1) DRIVER'S LICENSE.—The term “driver's license” means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

“(2) IDENTIFICATION CARD.—The term “identification card” means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

“(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

“(4) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

##### **[SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.**

“(a) MINIMUM STANDARDS FOR FEDERAL USE.—

“(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

“(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary of Transportation. Such certifications shall be made at such times and in such manner as the Secretary of Transportation, in consultation with the Secretary of Homeland Security, may prescribe by regulation.

“(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- “(1) The person's full legal name.
- “(2) The person's date of birth.
- “(3) The person's gender.
- “(4) The person's driver's license or identification card number.
- “(5) A digital photograph of the person.
- “(6) The person's address of principal residence.
- “(7) The person's signature.

“(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

“(9) A common machine-readable technology, with defined minimum data elements.

“(c) MINIMUM ISSUANCE STANDARDS.—

“(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

“(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

“(B) Documentation showing the person's date of birth.

“(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

“(D) Documentation showing the person's name and address of principal residence.

“(2) SPECIAL REQUIREMENTS.—

“(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

“(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

- “(i) is a citizen of the United States;
- “(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;
- “(iii) has conditional permanent resident status in the United States;
- “(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

“(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

“(vi) has a pending application for asylum in the United States;

“(vii) has a pending or approved application for temporary protected status in the United States;

“(viii) has approved deferred action status; or

“(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

##### **[(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—**

“(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

“(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

“(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

“(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

“(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

“(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

“(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

[(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

[(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

[(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

[(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

[(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

[(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

[(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

[(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

[(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

[(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

[(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

[(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

#### **[SEC. 203. LINKING OF DATABASES.]**

[(a) IN GENERAL.—To be eligible to receive any grant or other type of financial assistance made available under this title, a State shall participate in the interstate compact regarding sharing of driver license data, known as the "Driver License Agreement", in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

[(b) REQUIREMENTS FOR INFORMATION.—A State motor vehicle database shall contain, at a minimum, the following information:

[(1) All data fields printed on drivers' licenses and identification cards issued by the State.

[(2) Motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

#### **[SEC. 204. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.]**

[(a) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by

striking "false authentication features" and inserting "false or actual authentication features".

#### **[(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—**

[(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

[(2) FALSE DEFINED.—In this subsection, the term "false" has the same meaning such term has under section 1028(d) of title 18, United States Code.

#### **[SEC. 205. GRANTS TO STATES.]**

[(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

#### **[SEC. 206. AUTHORITY.]**

[(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

[(b) COMPLIANCE WITH STANDARDS.—All authority to certify compliance with standards under this title shall be carried out by the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the States.

[(c) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

#### **[SEC. 207. REPEAL.]**

[Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.]

#### **[SEC. 208. LIMITATION ON STATUTORY CONSTRUCTION.]**

[Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.]

### **[TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION]**

#### **[SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.]**

[(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico. The Under Secretary shall conduct follow-up studies at least once every 5 years.

[(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Direc-

torate of Border and Transportation Security such sums as may be necessary for fiscal years 2006 through 2011 to carry out any such recommendations from the first study conducted under subsection (a).

#### **[SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.]**

[(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

[(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

[(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

[(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

#### **[(b) ADDITIONAL REQUIREMENTS.—**

[(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

[(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

[(B) the cost, utility, and effectiveness of such technologies for border security; and

[(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

[(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

[(A) Video camera technology.

[(B) Sensor technology.

[(C) Motion detection technology.

[(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

[(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

#### **[SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.]**

[(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security,



acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

[(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

[(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

[(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED  
APPROPRIATIONS  
CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY  
MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$1,358,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,684,943,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$9,411,000: Provided, That the

amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$3,308,392,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to \$1,370,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key co-operating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his

discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$21,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL  
GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND  
(INCLUDING TRANSFER OF FUNDS)

For the “Afghanistan Security Forces Fund”, \$1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, \$290,000,000 shall be transferred to

"Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### IRAQ SECURITY FORCES FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, \$210,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, \$99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region:

Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$280,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT OF WEAPONS AND TRACKED

##### COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emer-

gency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS  
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for “National Defense Sealift Fund”, \$32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE  
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$225,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT  
ACCOUNT

For an additional amount for “Intelligence Community Management Account”, \$89,300,000, of which \$20,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER  
SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 969), is amended by striking “\$3,500,000,000” and inserting in lieu thereof “\$5,685,000,000”: Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated under the heading, “Drug Interdiction and Counter-Drug Activities, Defense” in this Act, not to exceed \$40,000,000 may be made available for the provision of support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be provided in addition to support provided for the counter-drug activities of said Government under any other provision of law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, “Operation and Maintenance, Defense-Wide”, in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), strike “\$32,000,000” and insert “\$43,000,000”.

ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed \$1,500,000,000.

WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under “Operation and Maintenance, Defense-Wide”, not to

exceed \$10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as amended by section 102, title I, division J, Consolidated Appropriations Act, 2005 (Public Law 108-447), is further amended by striking “\$500,000,000” and inserting “\$854,000,000”.

CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking “\$185,000,000” and inserting “\$210,000,000”.

OFFICE OF THE DIRECTOR OF NATIONAL  
INTELLIGENCE

SEC. 1109. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), is amended—

(1) by striking “in the fiscal year after the effective date of this Act” and inserting in lieu thereof “in the fiscal years 2005 and 2006”; and

(2) in paragraph (1) by striking “500 new personnel billets” and inserting in lieu thereof “the total of 500 new personnel positions”.

RESERVE AFFILIATION BONUS

SEC. 1110. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed \$10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1111. SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

“(i) In the case of a member—

“(I) \$400,000 or such lesser amount as the member may elect;

“(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

“(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).”; and

(2) in subsection (d), by striking “\$250,000” and inserting “\$400,000”.

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e)(1) A member covered by this subsection is any member as follows:

“(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

“(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

“(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is \$150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds \$250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

“(3) The total amount of insurance payable for a member under this subchapter may not exceed \$400,000.

“(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to \$150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member's pay.”

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting “(1)” after “(b)”;

(B) by adding at the end the following new paragraph:

“(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of \$150,000.”

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: “, except for insurance provided under paragraph (3)(A)(i)(III)”.

(d) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking “\$250,000” each place it appears and inserting “\$400,000”; and

(2) by adding at the end of paragraph (1) the following new sentence: “Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.”

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.”; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking “and (C)” and inserting “, (C), and (D)”;

(B) by adding at the end the following new subparagraphs:

“(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.”

(f) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

“(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.”

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(h) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

#### DEATH GRATUITY

SEC. 1112. DEATH GRATUITY ENHANCEMENTS. (a) DEATHS FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN DESIGNATED OPERATIONS OR AREAS.—

(1) AMOUNT.—Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting “, except as provided in subsection (c)” after “\$12,000”;

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

“(c) The death gratuity payable under sections 1475 through 1477 of this title is \$100,000 (as adjusted under subsection (d)) in the case of a death resulting from wounds, injuries, or illnesses that are—

“(1) incurred as described in section 1413a(e)(2) of this title; or

“(2) incurred in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38.”

(2) INCREASES CONSISTENT WITH INCREASES IN RATES OF BASIC PAY.—Subsection (d) of such section, as redesignated by paragraph (1)(B), is further amended by striking “amount of the death gratuity in effect under subsection (a)” and inserting “amounts of the death gratuities in effect under subsections (a) and (c)”.

(3) CONFORMING AMENDMENT.—Subsection (a) of such section, as amended by paragraph (1), is further amended by striking “(as adjusted under subsection (c))” and inserting “(as adjusted under subsection (d))”.

(4) EFFECTIVE DATE; TERMINATION.—

(A) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(B) The amendments made by this subsection shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

(B) The requirements of this subsection apply in the case of a member of the Armed Forces who died before the date of the enactment of this Act as a direct result of one or more wounds, injuries, or illnesses that—

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

(2) AMOUNT.—The amount of the additional death gratuity is \$238,000.

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term “additional death gratuity” means the death gratuity provided under paragraph (1).

(B) The term “regular military death gratuity”, means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

#### INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1113. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

#### PROHIBITION OF NEW START PROGRAMS

SEC. 1114. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, “Procurement of Ammunition, Army” to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C-RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

#### CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1115. (a)(1) Notwithstanding section 917 of Public Law 97-86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108-287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108-324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military

Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is \$372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than \$100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97-86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is \$813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

#### PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1116. Section 115 of division H of Public Law 108-199 is amended by striking all after “made available” and substituting “, notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.”.

#### CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1117. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.

#### LPD-17 COST ADJUSTMENT (TRANSFER OF FUNDS)

SEC. 1118. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, “Shipbuilding and Conversion, Navy, 2005/2009”:

LCU (X), \$19,000,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 1996/2008”:

LPD-17, \$19,000,000;

Provided further, That the amount made available by the transfer of funds in or pursuant to

this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1119. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term “winner-take-all strategy”, with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

#### CIVILIAN PAY

SEC. 1120. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

#### INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1121. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, \$12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

#### CHAPTER 2

#### DEPARTMENT OF DEFENSE

#### MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

#### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

#### FOREIGN AGRICULTURAL SERVICE

#### PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$150,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 2

#### DEPARTMENT OF STATE AND RELATED AGENCY

#### DEPARTMENT OF STATE

#### ADMINISTRATION OF FOREIGN AFFAIRS

#### DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for “Diplomatic and Consular Programs”, \$757,700,000, to remain available until September 30, 2006, of which \$10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than \$250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### RELATED AGENCY

#### BROADCASTING BOARD OF GOVERNORS INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for activities related to broadcasting to the broader Middle East, \$4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for “Broadcasting Capital Improvements” for capital improvements related to broadcasting to the broader Middle East, \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402

of the conference report to accompany S. Con. Res. 95 (108th Congress).

**BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE  
PRESIDENT  
UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
INTERNATIONAL DISASTER AND FAMINE  
ASSISTANCE**

For an additional amount for "International Disaster and Famine Assistance", \$44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**TRANSITION INITIATIVES**

For an additional amount for "Transition Initiatives", \$63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**OPERATING EXPENSES OF THE UNITED STATES  
AGENCY FOR INTERNATIONAL DEVELOPMENT**

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**OPERATING EXPENSES OF THE UNITED STATES  
AGENCY FOR INTERNATIONAL DEVELOPMENT  
OFFICE OF INSPECTOR GENERAL**

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**OTHER BILATERAL ECONOMIC  
ASSISTANCE**

**ECONOMIC SUPPORT FUND**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for "Economic Support Fund", \$1,631,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, \$200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which \$50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods

in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**ASSISTANCE FOR THE INDEPENDENT STATES OF  
THE FORMER SOVIET UNION**

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance to Ukraine, \$70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, \$5,000,000 shall be made available for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**DEPARTMENT OF STATE**

**INTERNATIONAL NARCOTICS CONTROL AND LAW  
ENFORCEMENT**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for "International Narcotics Control and Law Enforcement", \$660,000,000, to remain available until September 30, 2007, of which up to \$46,000,000 may be transferred to and merged with "Economic Support Fund" if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**MIGRATION AND REFUGEE ASSISTANCE**

For an additional amount for "Migration and Refugee Assistance", \$108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than \$55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**NONPROLIFERATION, ANTI-TERRORISM, DEMINING  
AND RELATED PROGRAMS**

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", \$32,100,000, to remain available until September 30, 2006, of which not to exceed \$15,000,000, to remain available until expended,

may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**FUNDS APPROPRIATED TO THE  
PRESIDENT**

**OTHER BILATERAL ASSISTANCE**

**GLOBAL WAR ON TERROR PARTNERS FUND**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, \$40,000,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**MILITARY ASSISTANCE**

**FUNDS APPROPRIATED TO THE  
PRESIDENT**

**FOREIGN MILITARY FINANCING PROGRAM**

For an additional amount for "Foreign Military Financing Program", \$250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**PEACEKEEPING OPERATIONS**

For an additional amount for "Peacekeeping Operations", \$210,000,000, to remain available until September 30, 2006, of which \$200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**GENERAL PROVISIONS, THIS CHAPTER**

**VOLUNTARY CONTRIBUTION**

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking "Iraq,".



## REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to \$5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

## (RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108-11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

## DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading "Economic Support Fund" may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108-447.

## TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

## CHAPTER 1

## DEPARTMENT OF JUSTICE

## GENERAL ADMINISTRATION

## OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$11,935,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$7,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 2

## DEPARTMENT OF ENERGY

## NATIONAL NUCLEAR SECURITY ADMINISTRATION

## WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", \$26,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", \$84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 3

## DEPARTMENT OF HOMELAND SECURITY

## IMMIGRATION AND CUSTOMS ENFORCEMENT

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$276,000,000, of which not less than \$11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## UNITED STATES COAST GUARD

## OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", \$49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 4

## CAPITOL POLICE

## SALARIES

For an additional amount for salaries of employees of the Capitol Police, including over-

time, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## EXPENSES

For an additional amount for necessary expenses of the Capitol Police, \$13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## ARCHITECT OF THE CAPITOL

## CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for Capitol Police Buildings and Grounds, \$23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

## CHAPTER 1

## DEPARTMENT OF COMMERCE

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 2

## DEPARTMENT OF DEFENSE—MILITARY

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$29,150,000: Provided, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", \$36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

FUNDS APPROPRIATED TO THE

PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, \$656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to \$10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the

purposes of this heading; up to \$20,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to \$2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to \$500,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to \$5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for environmental recovery activities in Aceh, Indonesia, to be administered by the United States Fish and Wildlife Service: Provided further, That of the funds appropriated under this heading, not less than \$12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 should be made available for programs to prevent the spread of the Avian flu: Provided further, That of the funds appropriated under this heading, \$1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), section 10 of Public Law 91-672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for "Research and Education Activities" to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, \$3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under

section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, \$103,000,000, to remain available until expended: Provided, That of the amount provided, no less than \$66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading "Rural Housing Service", "Rural Housing Insurance Fund Program Account" in chapter 1 of title II of Public Law 106-246 (114 Stat. 540) to the Rural Housing Service "Rental Assistance Program" account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated \$15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FARM SERVICE AGENCY

SEC. 5104. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108-447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management", \$3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" to pay necessary expenses of the

Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, \$2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, \$31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 3

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### OFFICE OF THE SECRETARY

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108-447, \$10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading "Health Resources and Services Administration, Health Resources and Services", the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading "Office of the Secretary, Office of the Inspector General", the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading "Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)" the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

#### RELATED AGENCY

##### INSTITUTE OF MUSEUM LIBRARY SERVICES

#### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the "Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration", \$10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 4

#### THE JUDICIARY

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services" for unforeseen costs associated with recent Supreme Court decisions and recently enacted legislation, \$60,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108-477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### HOUSING PROGRAMS

##### HOUSING FOR PERSONS WITH DISABILITIES

##### (INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108-447, \$238,080,000 are rescinded.

For an additional amount for "Housing for Persons with Disabilities", \$238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108-447.

#### GENERAL PROVISION, THIS CHAPTER

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated \$10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

##### AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

##### TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108-447, the Department of Justice may transfer funds from any Department of Justice account, except "Buildings and Facilities, Federal Prison System" and "Office of Justice Programs" accounts, to the "Detention Trustee" account: Provided, That the notification requirement in section 605 of title VI of division B of Public Law 108-447 shall apply to any such transfers.

##### SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

##### TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading "National Oceanic and

Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended after "Bonneau Ferry, SC" by striking "20,000" and inserting "19,200": Provided, That these amounts are available for transfer to "Response and Restoration Base".

SEC. 6005. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Tonner Canyon, CA" and inserting "Tolay Lake, Sonoma County, CA".

SEC. 6006. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Port Aransas Nature Preserve Wetlands Project, TX—3,000" and under the heading "Section 2 (FWCA) Coastal/Estuarine Land Acquisition" by inserting "Port Aransas Nature Preserve Wetlands Project, TX—3,000".

##### LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108-335) approved October 18, 2004, is amended as follows: (1) Section 331 is amended as follows:

(A) in the first sentence by striking "\$15,000,000" and inserting "\$42,000,000, to remain available until expended," in its place, and

(B) by amending subsection (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure."

(2) By inserting a new section before the short title at the end to read as follows:

"SEC. 348. The amount appropriated by this Act may be increased by an additional amount of \$206,736,000 (including \$49,927,000 from local funds and \$156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

"(1) \$174,927,000 (including \$34,927,000 from local funds and \$140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, \$33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, \$140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15-717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

"(2) \$15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

"(3) \$14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

"(4) \$2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'."

##### DESOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking "\$20,000,000" and inserting "\$55,000,000" in lieu thereof, and by striking "treatment" and inserting "infrastructure" in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992

(106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project costs incurred after May 13, 2002.

#### FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106-541 is modified by striking “\$20,000,000” and inserting in lieu thereof “\$25,000,000”.

#### ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from “General Investigations” for the expansion of studies necessitated by severe flooding, up to \$1,800,000, to remain available until expended.

#### INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR-1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading “Operation and Maintenance” in title I of division C of Public Law 108-447 is amended by striking “October 1, 2003, and September 30, 2004” and inserting “October 1, 2004, and September 30, 2005”.

#### OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the benefits of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

#### MCCLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading “Operation and Maintenance” in title I of division C of Public Law 108-447 is amended by striking “Public Law 108-357” and inserting “Public Law 108-137”.

#### SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

#### DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108-7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking “2004” and inserting in lieu thereof “2009”; and

(2) in paragraph (b) by striking “2004” and inserting in lieu thereof “2009”.

#### BUREAU OF RECLAMATION, HUMBOLDT TITLE TRANSFER

SEC. 6017. Notwithstanding Public Law 108-137, title II, sec. 217(a)(3) the State of Nevada shall be exempt from any payments associated with the Humboldt Title Transfer as described in Public Law 107-282, title VIII, sec. 804(f):

Provided, That transfer costs shall not exceed \$850,000.

#### OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Department of Energy, Energy Programs, Science” is amended by inserting “: Provided, That \$2,000,000 is provided within available funds to continue funding for project #DE-FG0204ER63842-04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and \$3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein \$500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and \$500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That \$4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service” after “\$3,628,902,000”.

#### WEAPONS ACTIVITIES

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” is amended by inserting after “various locations” the following: “: Provided further, That \$3,000,000 shall be used to continue funding of project #DE-FC04-02AL68107, the Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102-377 and section 4705 of Public Law 107-314, as amended, the Department may transfer up to \$10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375”.

#### DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion” is amended by inserting before the period the following: “: Provided, That \$4,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District”.

#### DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104-447), the item relating to the “Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Defense Environmental Services” is amended by inserting before the period the following: “: Provided, That to the extent activities to be funded within the ‘Defense Environmental Services’ cannot be funded without unduly impacting mission activities and statutory requirements, up to \$30,000,000 from ‘Defense Site Acceleration Completion’ may be used for these activities”.

#### CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104-447), the item relating to the “Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities” is amended by inserting before the period the following: “: Provided, That \$5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to sup-

port radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health”.

#### DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. §644), is amended by adding the following new paragraph:

“(3) For purposes of this section, the term ‘prime contract’ shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.”.

#### YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2951) is amended in the matter under the heading “Nuclear Waste Disposal”—

(1) by inserting “to be derived from the Nuclear Waste Fund and” after “\$346,000,000,”; and

(2) in the second proviso, by striking “to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act” and inserting “to participate in licensing activities and other appropriate activities pursuant to that Act”.

#### POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” is amended by inserting before the period at the end the following: “: Provided further, That of the amount herein appropriated, \$500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota”.

#### DEPARTMENT OF HOMELAND SECURITY

##### REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security “Working Capital Fund” is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the “Office of the Chief Financial Officer” and shall be subject to section 503 of Public Law 108-334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103-356).

(c)(1) There is established the “Continuity of Government Operations and Emergency Management Revolving Fund” (in this subsection referred to as the “Revolving Fund”) which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the “Working Capital Fund” abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the “Working Capital Fund” before the date of enactment of Public Law 107-296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the “Office of the Chief Financial Officer” pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

#### REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

“(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the ‘Office of the Chief Information Officer’; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

“(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.”.

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

#### BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by deleting “September 24, 2004” and inserting “November 12, 2004”.

#### FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of \$1,500,000, provided in Public Law 108–447 for the “Forest Service, Capital Improvement and Maintenance” account, are hereby transferred to the “Forest Service, State and Private Forestry” account.

#### WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

#### PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

#### GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; or

(2) seismic and exploration activities inside the boundaries of Gulf Islands National Sea-

shore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

#### SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking “June 30, 2005,” and inserting “September 30, 2005.”.

#### REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 101 and section 208 of Division F of Public Law 108–447 are hereby repealed.

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading “Innovation and Improvement”—

(1) the provision specifying \$500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read “Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative”;

(2) the provision specifying \$2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read “Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program”;

(3) the provision specifying \$1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read “Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth”;

(4) the provision specifying \$750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read “Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program”;

(5) the provision specifying \$200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read “Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shreveview Elementary School and Wolftrap Elementary School”;

(6) the provision specifying \$1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read “University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)”;

(7) the provision specifying \$25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read “QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history”;

(8) the provision specifying \$780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read “The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO”;

(9) the provision specifying \$100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read “Chester Economic Development Authority, Chester, PA for a community arts program”;

(10) the provision specifying \$100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read “Kids with A Promise—The Bowery Mission, New York, NY”;

(11) the provision specifying \$50,000 for Great Projects Film Company, Inc., Washington, DC, to produce “Educating America”, a documentary about the challenges facing our public schools shall be deemed to read “Great Projects Film Company, Inc., New York, NY, to produce ‘Educating America’, a documentary about the challenges facing our public schools”;

(12) the provision specifying \$30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read “American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar”;

(13) the provision specifying \$163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read “Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative”.

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading “Higher Education”—

(1) the provision specifying \$145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read “University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students”;

(2) the provision specifying \$150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read “Mercy College, Dobbs Ferry, NY, for the development of a master’s degree program in nursing education, including marketing and recruitment activities”;

(3) the provision specifying \$100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read “University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs”;

(4) the provision specifying \$100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read “Moberly Area Community College, Moberly, MO for equipment and technology”.

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading “Innovation and Improvement” the provision specifying \$1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development



(SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska".

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108-447 is amended by inserting before the period at the end the following: "Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviews".

#### COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" under title I of the Legislative Appropriations Act, 2005 to the account under the subheading "SALARIES AND EXPENSES" under the heading "COPYRIGHT OFFICE" under the heading "LIBRARY OF CONGRESS" under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108-419), subject to subsection (b).

(b) No more than \$485,000 may be transferred under this section.

#### TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading "Federal Transit Administration, Capital Investment Grants" in title I of division H of Public Law 108-447 is amended by striking "\$3,591,548" and inserting "\$1,362,683" and by striking "\$22,554,144" and inserting "\$12,998,815": Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108-447, \$1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and \$316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

#### THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108-447 is amended by striking "shall be deposited" and all that follows through "expenses" and inserting in lieu thereof "shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Office of the United States Courts".

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

"(1) by striking paragraph (1) and inserting the following:

"(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

"(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);";

"(2) in paragraph (2), by striking 'one-half' and inserting '75 percent'; and

"(3) in paragraph (4), by striking 'one-half' and inserting '100 percent'.";

(2) by striking subsection (c) and inserting the following:

"(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title.'"; and

(3) by striking subsections (d) and (e) in their entirety.

#### TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading "Federal Buildings Fund" in title IV of division H of Public Law 108-447, strike "\$60,000,000" and insert in lieu thereof "\$60,600,000" in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108-447 is amended by striking "Section 572(a)(2)(ii)" and inserting in lieu thereof "Section 572(a)(2)(A)(ii)".

#### TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item 230 by striking "City" and inserting "Port".

(b) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item 233 by inserting "Port of" before the words "Brookings Harbor".

(c) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item number 30 by inserting "to be used for planning, design, and construction" after "California".

(d) The referenced statement of managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 122 by inserting "to be used for planning, design, and construction" after "California".

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

Amend the title so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes".

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate now has under consideration

H.R. 1268, the fiscal year 2005 emergency supplemental appropriations bill. Pending is the substitute amendment recommended by the Committee on Appropriations. The committee met last Wednesday, April 6, and reported the bill with the substitute amendment by a unanimous consent vote of 28 to 0.

Our recommended substitute would provide a total of \$80,581,832,000 in supplemental appropriations for fiscal year 2005. The recommendation is \$1,460,796,000 below the President's request and \$758,046,000 below the amount recommended in the House-passed bill.

The substitute is comprised of six titles.

Title I provides a total of \$74,426,257,000 for defense-related activities, primarily the costs of continuing operations in Iraq and Afghanistan.

Title II includes \$4,322,700,000 for international security programs, for assistance for reconstruction in Iraq and Afghanistan, and for support for coalition allies.

Title III provides appropriations in the amount of \$687,145,000 for domestic activities related to homeland security and counterterrorism.

Title IV includes appropriations for Indian Ocean tsunami relief in the amount of \$907,344,000.

Title V includes \$238,390,000 for other emergency appropriations.

Title VI includes general provisions and technical corrections.

This is a straightforward bill. It meets the needs of our fighting forces overseas. It provides funding to meet our international responsibilities. It offers relief to the victims of the catastrophic tsunami in the Indian Ocean and addresses emergency requirements at home. It is critically important we move this bill through the Senate in a deliberate but expeditious fashion so we may confer with our colleagues from the other body and present legislation for the President's signature by the end of this month.

I will not take further time of the Senate today to go into all of the details of the proposal. Individual subcommittee chairmen and their ranking minority members will be available to Senators to explain the details of the bill as needed and as requested by Senators.

At the appropriate time, I will move the committee substitute be adopted and be treated as original text for the purposes of further amendment.

Before yielding to my distinguished friend and colleague from West Virginia, Senator BYRD, the ranking minority member of the committee, I share with the Senate an interesting e-mail that was sent to one of my staff members by one of the helicopter pilots who was aboard the USS *Abraham Lincoln*, which steamed into the Indian Ocean immediately upon hearing about the devastating earthquakes and the tsunami tidal waves in that region of the world. They were one of our largest ships in the general region. They immediately got underway from their



port when they heard the news and could tell how serious this situation was and steamed to the region.

This friend wrote an e-mail to my detailee from the Department of Defense who is a CDR Brian Glackin. At this time he has gone back to active duty for his full-time job in the Navy. He gets this e-mail, which he gave me a copy of, which I will read portions of so we can appreciate the response of the United States, as quickly as it was made, to this devastating situation.

Stationed aboard the Abraham Lincoln we were inport Hong Kong on the morning of 26 Dec when we heard of the massive earthquake and devastating Tsunamis in the Bay of Bengal. As soon as we were aware of the horrible destruction we departed Hong Kong and headed South at best speed . . .

Then he described what happened when they arrived.

I was in the first wave of helos sent ashore to establish a logistical hub and move supplies from Banda Aceh airport—only a few miles from the destroyed north coast of the island.

He describes the bodies in the water, the houses floating in the ocean, the scenes along the coast as they were flying into the airport.

We arrived at the airport to a scene of confusion and near chaos. Six days after the disaster and there was no infrastructure in place to assist these people. About 500 displaced Indonesians who had survived had made their way to the airport in search of a flight out of the area.

. . . there was only one other American military member at the airport—an Army Major who had made his way up from the Embassy in Jakarta. A few Australians were already there and had set up a logistics hub to accept supplies. The Indonesian military had a base here as well and were accepting supplies but they had no other way than trucks to travel to the destroyed areas inland to move the food and water.

Then he talks about being a fixed wing pilot. He was not able to fly helicopters, but he helped coordinate the relief efforts. He complimented the nongovernment organizations that within an hour had loaded our first relief supplies to move down the west coast. He complimented the USAID and the International Organization of Migration as being invaluable in the establishing of assistance. He said:

USAID has amazing logistical support to gather supplies from all over the world. The one thing both of these organizations lacked was the ability to distribute supplies to the people in need. That is where we came into play.

We have set up a system now to have twelve of our Helicopters flying from sunrise to sunset to assist. We have been carrying everything from biscuits, rice, noodles, milk, water and medical supplies. We transport doctors and medical staff as well. The Indonesian people are in need of everything. Their homes along the coast have been washed away and we are finding them wandering aimlessly with no ability to acquire food, water or badly needed medical assistance. They all lack the ability to communicate as all phone lines are destroyed and there is no electricity. As our pilots drop off these supplies there are stories of the Indonesians hugging them with relief and joy.

Our pilots then fly north to return back to [the airport] for resupply and they are find-

ing small pockets of personnel who do not have any aid. They are able to pick many of them up and fly them to [the airport]. Most are near death.

Yesterday we had a helo land with seven badly injured or dehydrated personnel all in critical condition. One was a seven year old girl. The doctors told me we saved her life as she would not have lived through the night. I couldn't help but think of my beautiful daughters and it was then that I realized the gravity of what we really were doing.

He said:

I see on the news [now] the incredible outpouring of support from the US—it is a wonderful and necessary thing. The effort here at sea is equally as impressive. These young sailors are all extremely eager to get ashore and do whatever is needed despite the threat of disease and the obvious destruction.

He pointed out earlier that no sailors were asked to do anything who did not volunteer to do it. The commanding officer asked if sailors would like to participate and go ashore, and there were huge numbers who did.

My squadron alone has already put numerous sailors ashore to assist with the loading and moving of the helos. I have never been so proud to be a member of the US military. We often are focused on keeping the peace and deterring evil acts. To now be able to have a direct impact in saving lives and attempt to rebuild a society is a testament to the United States' amazing resolve and capabilities.

I thank you all for your efforts and your support. Please continue to keep the Indonesians in your thoughts and prayers. As of today this country alone is approaching 100,000 deaths from this disaster—we need to do all that is possible to mitigate any further suffering or loss of life.

Signed: CDR T.R. Williams, Executive Officer, deployed aboard the USS *Abraham Lincoln*.

Mr. President, I ask unanimous consent that the entire e-mail that I read from be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Glackin, Brian CDR AAUSN-PTGN (FM&C) [mailto:brian.glackin@navy.mil]  
Sent: Thursday, January 13, 2005 7:08 AM  
To: Cochran, Thad (Cochran)  
Subject: FW: Tsunami update from the Lincoln

SENATOR, Below is a letter from a fellow naval aviator and good friend explaining his role in the Tsunami relief efforts. I think you will find it interesting.

Very Respectfully,

BRIAN.

Hello family and friends,

I just spent 3 days ashore at Banda Aceh working to assist all of those in dire need in Indonesia.

Stationed aboard the Abraham Lincoln we were inport Hong Kong on the morning of 26 Dec. when we heard of the massive earthquake and devastating Tsunamis in the Bay of Bengal. As soon as we were aware of the horrible destruction we departed Hong Kong and headed South at best speed—without any official request from governments. As we proceeded, we were completely unaware of what we could do or even if we would be needed, but we continued through the Strait of Malacca enroute to Indonesia and Thailand. Our mission was quickly defined and we were tasked to assist Indonesia as best as able. To do so we requested volunteers aboard the ship to assist. The response as

you can imagine was overwhelming as all sailors want to do is help any way possible. We also knew that this would be a job for the SH-60 Helicopters we have aboard. We have currently shut down the flying for all carrier fixed wing aircraft (that's me) as there was no mission or request. For the first time in my 17 year Naval career, I have seen us stop flying tactical fixed wing aircraft—the primary purpose of an aircraft carrier—completely as all of our focus is on this disaster.

We arrived off the north shore of Indonesia on the morning of January 1st. I was in the first wave of helos sent ashore to establish a logistical hub and move supplies from Banda Aceh airport—only a few miles from the destroyed north coast of the island. Not knowing what to expect as we lifted off the deck, we were quickly given a glimpse as we could see numerous corpses floating in the water. There were large clusters of debris that looked like one time houses floating in piles scattered all over the ocean. As we approached the decimated shore we saw a cargo ship that was at least 300 feet long capsized on the beach. Proceeding further inland we were amazed that the coastal town was gone. You could see outlines of where foundations once were, but as the earthquake shook them loose, the Tsunamis washed everything out to sea. As we continued inland, the devastation was evident more than 2 miles from the coast. We then approached very green and lush mountains—a sharp contrast to the leveled brown terrain of the decimated coast. We climbed in the helos over these 2,000 foot peaks and entered an area of surreal, beautiful countryside.

We arrived at the airport to a scene of confusion and near chaos. Six days after the disaster and there was no infrastructure in place to assist these people. About 500 displaced Indonesians who had survived had made their way to the airport in search of a flight out of the area southeast to the safe havens of Medan or Jakarta where there is little or no damage.

Upon arrival, there was only one other American military member at the airport—an Army Major who had made his way up from the Embassy in Jakarta. A few Australians were already there and had set up a basic logistics hub to accept supplies. The Indonesian military had a base here as well and were accepting supplies but had no way other than trucks which could not travel on the destroyed roads to move the food and water.

Being a Prowler pilot with no helicopter flying abilities, I was sent in to be the Carrier Air Wing Two liaison to move supplies! Realizing there was no one to liaise with, myself and my squadron mate, Lt. Ken "Jub" Velez became the primary coordinators to make this relief effort happen. Arriving at 0900, we were able to coordinate with the Indonesians and the NGO's (Non-Government Organizations), and within an hour have our first load of relief supplies moving down the west coast. The two primary NGO's USAID and IOM (International Organization of Migration) have been invaluable in the establishing of assistance. They have a small medical tent with trained doctors capable of triaging and stabilizing patients.

US AID has amazing logistical support to gather supplies from all over the world. The one thing both of these organizations lacked was the ability to distribute supplies to the people in need. That is where we came into play.

We have set up a system now to have twelve of our Helicopters flying from sunrise to sunset to assist. We have been carrying everything from biscuits, rice, noodles, milk, water and medical supplies. We transport doctors and medical staff as well. The Indonesian people are in need of everything.

Their homes along the coast have been washed away and we are finding them wondering aimlessly with no ability to acquire food, water or badly needed medical assistance. They all lack the ability to communicate as all phone lines are destroyed and there is no electricity. As our pilots drop off these supplies there are stories of the Indonesians hugging them with relief and joy. Our pilots then fly north to return back to Banda Aceh for resupply and they are finding small pockets of personnel who do not have any aid. They are able to pick many of them up and fly them to Banda Aceh. Most are near death. Yesterday we had a helo land with seven badly injured or dehydrated personnel all in critical condition. One was a 7 year old little girl. The doctors told me we saved her life as she would not have lived through the night. I couldn't help but think of my beautiful daughters and it was then that I realized the gravity of what we really were doing.

We will continue this effort as long as we are needed. It is difficult to imagine shifting back to fixed wing flight ops and leaving the area any time soon as the work to be done is almost insurmountable. We have been working hard with the hordes of press who badly need to tell this story. I enlisted the support of my squadron mate, LCDR Dave "Smack" Edgerton to specifically deal with the media. With every flight of two that we send down the coast, we embark a two man journalist team, as well as member of the IOM to coordinate with any injured or displaced persons who need our help. Yesterday we hosted Dan Rather and his CBS crew for a 60 minutes evening magazine special he was doing that should air sometime this week in the states. I had breakfast with Mr. Rather aboard the carrier as we discussed the days' events and what he would like to see. He and his staff's graciousness and professionalism impressed me. We have flown Mike Chinoy from CNN and correspondents from all the major U.S. and international networks and newspapers. If something is coming from Banda Aceh, the U.S. Navy has helped them get their story.

I must say a few words about the volunteer effort here—it is truly an effort of amazement. I see on the news the incredible outpouring of support from the U.S.—it is a wonderful and necessary thing. The effort here at sea is equally as impressive. These young sailors are all extremely eager to get ashore and do whatever is needed despite the threat of disease and the obvious destruction. My squadron alone has already put numerous sailors ashore to assist with the loading and moving of the helos. I have never been so proud to be a member of the U.S. military. We often are focused on keeping the peace and deterring evil acts. To now be able to have a direct impact in saving lives and attempt to rebuild a society is a testament to the United States' amazing resolve and capabilities. I thank you all for your efforts and your support.

Please continue to keep the Indonesians in your thoughts and prayers. As of today this country alone is approaching 100,000 deaths from this disaster—we need to do all that is possible to mitigate any further suffering or loss of life.

My best to all,

CDR T.R. WILLIAMS,  
*Executive Officer, VAQ-131.*

Mr. COCHRAN. This bill before the Senate contains funds that help replenish the accounts that were depleted by our agencies that were actively involved in the tsunami relief. We are asking in the bill for the Senate to approve about \$1 billion for related activities that were involved in that op-

eration. The military, of course, incurred costs, too, and we hope this bill will help make up the difference in their accounts so they will continue to be able to protect our security interests around the world.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, this is the first appropriations bill brought to the floor under the chairmanship of my good friend, the senior Senator from the great State of Mississippi, THAD COCHRAN. He has scrubbed the numbers so that, as he has pointed out, the bill is under both the President's request and the House of Representatives allowance. I commend Senator COCHRAN for his efforts. This was not easy. He has been fairminded. He has been evenhanded in the processing of this bill.

I will say a few words about our former chairman, the very distinguished Senator from the State of Alaska, TED STEVENS. Because of the committee chair term limits imposed under the Republican Caucus, TED STEVENS has taken over the reins of the Senate Commerce Committee. He will do a good job there.

He is always up to the deed, up to the moment. He carries his responsibilities manfully, nobly, and he never forgets the Constitution of the United States, the fact that this Government is under that Constitution, that the separation of powers is a part of that Constitution, that the Senate is equal to the House of Representatives, and they make up the Congress of the United States, and that the Congress is equal to each of the other branches, the executive branch and the judicial branch.

But Senator STEVENS, although he has left the chairmanship, and had to leave by virtue of the Republican Caucus rules, still serves on the Appropriations Committee. He chairs the Subcommittee on Defense. He very ably chairs that subcommittee. He has had a lot of experience. He knows what he is doing, and he has a mind that is like a tar bucket. Everything that hits it sticks to it. He will continue to be a power. He has served and he continues to serve the people of Alaska with honor and dignity as their Senator.

Both of these men, the former chairman and the current chairman, are true gentlemen to the depths of their hearts in their relations with their colleagues. We know they are fair, and we are grateful for that.

Senator COCHRAN has worked hard to produce this fiscal year 2005 emergency supplemental appropriations bill. As he explained, it totals \$80,581,832,000. That is \$1,460,796,000 below the President's budget request and \$785,046,000 below the House-passed bill. The supplemental bill that is before the Senate includes over \$74.4 billion for the Department of Defense.

I must say that our men and women in uniform are indeed among the finest of our country's citizens. I heard the chairman read the letter from a man

who was instrumental in helping the people who had been disadvantaged by the recent tsunami. This man was on a helicopter. He helped move that fixed-wing aircraft into the various parts of one of the islands or more than one perhaps.

I was there 50 years ago. I had to sleep in the mosquito cages, and I looked at a huge tarantula crawling around and listened to lizards over in the windows rustling about in the room in which I was to sleep. Well, this is terribly hot. Gee whiz, when I went there you had to lie down. You did not have enough energy to walk around. You slept in mosquito cages.

Well, think of what this man who wrote the letter was going through on the helicopter. He was on a mission of mercy—mercy—thank God. I salute him for that letter. What a graphic story of what was going on, and the service our men and women were performing. I salute them for their valor. I thank them for their service.

But we owe our troops more than mere gratitude for a job well done. We owe our troops the confidence of a clearly defined military mission, one that has measurable goals and benchmarks and, more importantly, one that has an identifiable endpoint. In short, we owe our troops—our men and women, our magnificent troops—in Iraq not only the resources with which to fight the war but also a strategy to end that war. I was never in favor of it in the beginning, but that is a matter of record and history.

Unfortunately, the President's supplemental budget request fails to deliver what our troops need most. The President is asking the Congress to continue to shovel out money into United States military operations in Iraq with no further clarity as to what goals the military is expected to achieve, no hint—not even a hint—of a possible timetable, and no end to the occupation in sight.

The recent elections in Iraq gave the United States a unique window of opportunity to change course in order to lower the profile of the American military presence and to open the door to greater international cooperation. But the administration, despite all of its conciliatory gestures to our European allies, has effectively squandered that opportunity.

The very size of this supplemental request sends a clear message that the United States is not winding down its military operations in Iraq. Instead, the United States appears to be gearing up either to accommodate a permanent military presence in Iraq or to establish a launching pad for other military operations in the region. Oh, how long—how long—is this going to continue in this fashion? Either way, we are sending the wrong signals to the people of Iraq, to its neighbors in the region, and to the larger international community.

Instead of taking this opportunity to temper anti-American sentiment

among disaffected Iraqis and their neighbors, the administration has turned up the heat, and now the Iraqis are saying: Get out. Leave us alone. Come back some other day, but let us alone. Let us alone. Those protests are mounting. The administration has turned up the heat with the construction of new military facilities in Iraq and the construction of the most costly Embassy in the world in Iraq, a country of only 25 million inhabitants.

You taxpayers out there who are watching this debate through those magnificent lenses, it is your money, your sons, your daughters.

I am troubled by many aspects of this request. I want to support our troops. I fully intend to support our troops. I would not think of doing otherwise. They are there. They have been there too long. Few of them asked to go there, but they are there. They are the empty chairs at the table on Thanksgiving, on Christmas, on holy days—empty chairs.

I am not willing to give the executive branch carte blanche to run roughshod over the Congress and to pursue policies never debated fully on this floor.

The request sent to the Congress by this administration contained “ambiguous flexibilities” to spend money on unspecified activities with little or no involvement of the Members of Congress. I am grateful that Chairman COCHRAN has responded to my entreaties to limit these extraordinary authorities. I suggest the committee bill still goes too far.

The President also requested, and the bill still includes, ambitious policy initiatives, including the construction of a permanent maximum security prison at Guantanamo, Cuba, and a host of seemingly enduring military facilities in Iraq. Why? The courts have yet to determine what the legal status is of detainees from the war on terrorism or whether the United States can continue to hold them indefinitely without charging them with any specific crime. Yet this bill includes \$36 million to build a permanent prison facility at Guantanamo Bay. I went there years ago. These are policy decisions, not simply pocketbook issues. Decisions to build permanent facilities should not be made via an emergency supplemental appropriations bill.

In fact, the White House has turned on its head the definition of an emergency supplemental appropriation. In his budget, the President calls on Congress to deploy a stricter standard for what constitutes emergency spending, spending that is thus excluded from constraints on spending. He urges the Congress to only approve emergency spending for activities that are “necessary expenditures, sudden, urgent, unforeseen, and not permanent.” Yet the President has asked the Congress to approve funding for the most expensive U.S. Embassy in the world. And he hasn’t done it in a regular bill; he has done it in an emergency war supplemental. This Embassy would be larger

than the U.S. Embassy in Russia, larger than the U.S. Embassy in China, larger than the U.S. Embassy in Saudi Arabia, and 10 times the size of most U.S. Embassies. Funds to staff that Embassy, which will not be needed until fiscal year 2006, are also requested in this emergency bill. As noted earlier, to build a permanent prison at Guantanamo Bay is also requested.

A supplemental bill is being used to tunnel deeper and deeper and deeper into Iraq with no definitive exit strategy in sight and no light on the horizon. This request encompasses serious and far-reaching policy questions, and we are having it shoved down our throats.

Moreover, on July 17, 2003, the Senate voted 81 to 15 for my amendment expressing the sense of the Senate that the President should request funds for the wars in Iraq and Afghanistan—they are two different wars—in the regular budget, rather than through emergency supplemental appropriations bills.

On June 24, 2004, I offered the same sense-of-the-Senate amendment which was approved by an even wider margin in the Senate by a vote of 89 to 9. Both sides joined in. Republicans and Democrats joined in that vote. It was 89 to 9. These are strong, emphatic, definitive votes. This provision was included in both the fiscal year 2004 and fiscal year 2005 Defense Appropriations Acts. I didn’t put those words in those acts alone. It was with the support of Republicans and Democrats on both sides of the aisle. So much for the views of the Senate.

Instead, the White House chose to seek an \$81.9 billion emergency supplemental for fiscal year 2005 and requested nothing for the war for fiscal year 2006. This is not truth in budgeting. This is not leveling with the American people about their money. This is not truth in budgeting. This is hocus-pocus. Now you see it; now you don’t. It is not there.

Tactics such as this hide the real cost of the wars. I say it to you people out there who are watching through those lenses, watching the most deliberative body, upper body in the world today—and I hope it remains that way; I hope the nuclear option is pushed aside—tactics like this, putting these requests into emergency supplementals, hiding the real costs of the wars. The American people don’t see those costs. That is wrong. That is not being fair with the American people. That is not being honest with the American people. That is not being straightforward with the American people. That is not laying it on the line with the people who are going to pay the cost.

By seeking \$81.9 billion as an emergency supplemental, rather than in his budget, the President avoids a debate about priorities and how the war should be paid for. By seeking an \$81.9 billion emergency supplemental for the war, by asking for that much money in

an emergency supplemental for the war in Iraq, the President avoids any discussion of the tradeoffs that are inherent in a decision to spend another \$81.9 billion on defense and foreign aid.

If the President’s emergency request for 2005 is approved, the Congress will have approved over \$210 billion just for the war in Iraq. How much is \$210 billion? That is \$210 for every minute since Jesus Christ was born 2,000 years ago. How much is it? That is \$210 for every minute that has passed since Jesus Christ was born 2,000 years ago.

While the budget deficit grows to record levels, the President tells us we have to cut domestic programs by \$192 billion over the next 5 years. The President tells us we have to charge veterans—those brave men and women—for their medical care, and we have to cut grants for firefighters and first responders, that we cannot adequately fund the No Child Left Behind Act, and that we should cut funding for the National Institutes of Health.

For fiscal year 2006, the President fails to request any funding for the two wars in Iraq and Afghanistan. I will say that again. For fiscal year 2006, the President fails to request any funding for the wars in Iraq and Afghanistan. The President pretends that he cannot project what the war will cost in 2006. Well, I assure the American people the costs will not be zero. The President will not tell the American people what the war in Iraq will cost. No, he will not tell the American people what the war will cost in Iraq. It is your money, I say to the people of this country. Republicans, Democrats, Independents, whatever you will, it is your money.

Nor will the President give the American people a plan for getting out of Iraq. How long are the American people going to suffer under the weight of this colossal burden? The President continues to insist on borrowing the money to fund the war in Iraq 1 year at a time through emergency supplemental appropriations requests. So far, the Department of Defense has received appropriations of \$16 billion, \$14 billion, \$7 billion, \$10 billion, \$63 billion, \$65 billion, and \$25 billion for the costs of the wars in Afghanistan and Iraq—all emergency spending, one piece at a time, and all of it, adding to our horrendous debt. What a shame. What a colossal shame.

In his budget for fiscal year 2006, the President’s only plan to help pay for his tax cuts and his war in Iraq is to slash that small portion of the budget that pays for priorities at home. In order to hide the consequences of his proposed cuts in domestic programs—cuts of \$192 billion over 5 years—the President’s budget excludes the details that are traditionally included in the budget. However, based on data the Office of Management and Budget has provided to the Congress on the levels of funding in each of the next 5 years, the Center on Budget and Policy Priorities has studied the impact of the proposed cuts.

Adjusted for inflation for 2010, when the President's proposed reductions would reach their full dimensions, education funding for kindergarten through the 12th grade would be cut by \$4.6 billion or 12 percent. Grants to States and localities would be cut by nearly \$22 billion in 2010. The number of low-income women, infants, and young children receiving assistance through the WIC supplemental nutrition program would be cut, cut, cut by \$670,000. The number of children in low-income working families who receive childcare assistance would be cut, cut, cut by \$300,000. The number of low-income families, elderly people, and people with disabilities who receive rental assistance through the provision of rental vouchers that help them to afford modest apartments would be cut, cut, cut by \$370,000. Environmental protection would be reduced by 23 percent, including EPA programs that support State and local efforts to ensure clean drinking water, reduce air pollution, and upgrade sewage treatment facilities which would be sliced 28 percent.

I call on the President—Mr. President, I say this to the President in the White House—to send Congress a budget amendment this week that includes his estimates for the real costs of the wars in Iraq and Afghanistan. There are tradeoffs we are making to fund these efforts to the tune of about \$1 billion a week. There needs to be a debate about that. The issue becomes crystal clear when these war costs are shown as part of the regular budget process. As we consider the budget for fiscal year 2006, Congress should understand the full cost of the wars.

I want to say that again. I shall say it again. As we consider the budget for fiscal year 2006, Congress should understand and the American people should understand the full costs of the wars, and especially the war in Iraq, so that we, the Members of Congress, can make reasoned spending choices so that we can inform our constituents about how we plan to pay for those choices.

Again, I thank my chairman. I thank the staff, the magnificent staff of the Appropriations Committee, the staff who worked hard to help our chairman and to help me and to help the members of our Appropriations Committee in our efforts to bring this full bill to the floor.

The majority staff is led by Keith Kennedy. There is a man, Keith Kennedy. He knows what he is doing. He knows this bill up and down and sideways. Keith Kennedy. I am gratified that the chair has chosen him, and I am also thankful to the chair that he has chosen a man like Mr. KENNEDY.

I am also thankful for the minority staff, led by Terry Sauvain, that man from Notre Dame, and a deputy named Chuck Kieffer. He has worked on both the legislative and executive sides. He knows the appropriations process inside, outside, from the executive branch viewpoint and from the legisla-

tive side. I thank all of the members of the appropriations staff on both sides of the aisle. I thank the Chair, and I thank all Senators. Again, I thank my illustrious chairman.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to and be considered as original text for the purpose of further amendments and that no points of order be waived by virtue of this agreement.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, that request is supported on this side of the aisle 100 percent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I compliment and thank most sincerely my friend from West Virginia, the distinguished senior Democratic member of the Appropriations Committee, for his support during the committee markup in terms of the procedures for the consideration of the House-passed bill. We substituted a complete text in the committee markup for the House bill and proceeded to consider amendments to that text. We made some changes in that House bill, as is reflected by the total amount we are recommending be appropriated in the bill by the Senate.

We bring the bill in below the level of funds requested by the President for this bill, and it is below the level approved by the House of Representatives. We hope Senators will consider their ideas for changes or improvements in the bill. We are not attempting to rush the Senate to completion of action on this bill, but we do want to move ahead with dispatch so we can get the funds that are provided in this bill to the agencies where they are needed, to the Department of Defense and the Department of State for depleted accounts.

The challenges we face in Iraq and Afghanistan have been costly, as we all recognize, but we need to move forward to a successful conclusion of those operations so that troops can be returned home as soon as possible, so that stability can be restored in that and other regions of the world, and so that the economy of those countries can be free flowing once again.

In that connection, I was heartened to receive a call from the Secretary of Agriculture last week advising me that the interim government in Iraq had decided to purchase 60,000 tons of rice from the United States. This is an indication, it seems to me, that their economy is beginning to move forward, that the Iraqi Government and the people of Iraq are moving toward the day when they will be able to stand on their own two feet, that they will be able to take care of themselves from a security standpoint and in every other way be a

functioning entity in that region for stability and economic progress. That is the goal; that is the purpose of the sacrifices we are making today—to make this world safer for all people.

I compliment the President and the leadership of his Cabinet—particularly Secretary Rumsfeld and Secretary Rice—as they carry out the missions of the Departments of Defense and State at this very difficult time. Now is not the time for the Senate to start eroding the confidence we have in the challenges we face and the way we are proceeding to meet those challenges. I believe we are making good progress, and we ought to compliment the administration for the work they have done in this very difficult period in our Nation's history.

I urge the Senate to approve this substitute.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to come to the floor to support the defense portion of the emergency supplemental appropriations bill before us. I thank Senator COCHRAN and Senator BYRD for their support of the funding requested by the Pentagon to continue the efforts of our Nation in Iraq and Afghanistan and the global war on terrorism.

The bill has been highlighted by the chairman and Senator BYRD. It provides \$73.3 billion in new discretionary spending authority for the Department of Defense programs. Most of those funds are to continue the operations in Iraq and Afghanistan, but we also have authorized use of that to pay back those accounts from which funds were borrowed during the first half of the current fiscal year on an emergency basis for continued operations in those areas.

Mr. President, \$17.5 billion of this money will go toward military appropriations accounts. Those moneys are used to fund pay allowances and subsistence and other personnel costs for active Guard and Reserve troops activated for duty throughout the world.

This bill also includes funding for special pay, such as imminent danger pay, family separation allowances, and hardship duty pay.

We also provide additional funds for the Servicemembers' Group Life Insurance Program and for an enhanced death gratuity. Specifically, this bill increases service members' insurance coverage from \$250,000 to \$400,000 and raises the death gratuity from \$12,000 to \$100,000. This has been requested, and Congress has authorized to fund these enhanced benefits to cover those military personnel who have been or may be killed in combat operations.

We recommend an increase in the death gratuity benefit to cover those service members killed in training or in other combat-related activities. Almost half of the defense portion of this bill goes toward the operation and maintenance accounts of the Department of Defense—\$37.4 billion. Now,

this reflects the cost of ground operations, flying hours, logistics support, fuel, travel, transportation, and support of the global war on terrorism.

Additionally, it will finance the repair and refurbishment of equipment used in Iraq and Afghanistan to ensure that our forces remain ready to meet global operational commitments.

The bill provides \$15.9 billion for procurement activity across the military. It funds force protection equipment, replacement and repair of equipment lost in operations, and the equipping of units to support upcoming rotations. Senior Department of Defense officials informed our committee that they need to receive this supplemental funding by early May in order not to impact readiness levels.

We all know it will take some time to take this bill through conference, so I urge the Senate to complete action on the supplemental bill as soon as possible so that we can proceed to confer with our friends in the House and give this bill to the President for signature so it can be reviewed by the processes downtown, which takes at least 10 days, and get this money to the Department in time to meet these contingencies so they don't have to borrow additional moneys from other accounts. It complicates the operation when that continues.

I hope Senators will come forward with their amendments, if they have any, on this portion of the supplemental bill.

Again, I commend our distinguished chairman and senior ranking member, Senator COCHRAN and Senator BYRD, for their cooperation with us in bringing this portion of this bill before the Senate. We are a little bit lower than the House, and the bill is lower than the President's request. I think as matters continue we are going to have to review the numbers and make sure we meet the pressing, urgent needs of those who wear the uniform of the United States.

Again, I urge Senators to come forward and make suggestions for amendments, if they have them. I look forward to continued support of this bill.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the bill before us, as noted by the Senator from Alaska, includes \$74.4 billion. Of that amount, \$73.3 billion is under the jurisdiction of the Subcommittee on Defense.

The vast majority of this funding, approximately \$42.5 billion, is recommended to cover the costs of operations in Iraq and Afghanistan. With 150,000 military personnel in Iraq and another 18,000 in Afghanistan, the funding included in this bill is essential to support our forces.

The bill also includes \$12 billion to repair and replace equipment damaged in the operations abroad. This funding will allow the military departments to reequip our forces who are returning

from combat. Without these funds, our military would not be equipped to meet future crises.

The bill provides \$5.3 billion for new equipment for our Army and Marine forces as they restructure their forces to create additional combat capability. While some may question whether these funds qualify as emergencies, it should be clear that our military forces will need these funds as they begin restructuring transformation.

Finally, the remaining funds are provided to support those nations which are taking part in the operations abroad, including training and equipping the Afghans and Iraqis, and to support related efforts for recruiting, morale welfare, recreation, and other military personnel needs.

I support this bill, and I urge all of my colleagues to join me in supporting this measure. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF PAUL A. CROTTY TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session for the consideration of Executive Calendar No. 38, which the clerk will report.

The assistant legislative clerk read the nomination of Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate equally divided between the chairman and ranking member of the Committee on the Judiciary or their designees.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak in favor of an extremely fine gentleman, Paul Crotty, to be confirmed to the Southern District of the New York bench. Paul Crotty is a fine man, an outstanding lawyer, and he will make a terrific judge. Paul Crotty is an impressive nominee who has long enjoyed strong bipartisan support for a judgeship in New York. I am glad that at long last his nomination has finally been brought to the floor for a vote after languishing since last November.

First, I would like to talk a little bit about Paul Crotty. He has the support of not only myself and Senator CLIN-

TON, he has the support of a broad range of New Yorkers, in fact. I personally would like to thank two who worked religiously on behalf of Paul Crotty's nomination, two former mayors of New York City, one a Democrat and one a Republican. They are Mayor Ed Koch and Mayor Rudy Giuliani.

Both had worked with Paul Crotty when they were mayor, and both speak extremely highly of him. In fact, I would like to read from the letter, for instance, that Mayor Giuliani sent:

Paul Crotty is one of the finest men I know. He possesses all the qualities of an excellent judge—wisdom, compassion, toughness, curiosity, common sense, unwavering integrity, and an abiding love of the law. . . . Many possess knowledge of the law or knowledge of government. Paul Crotty is the rare individual who possesses mastery of both. He has set and achieved the highest standards at every stage of his career. Our Nation will be fortunate to have him join the Federal bench.

I don't have Mayor Koch's letter, but it was Mayor Koch who suggested to me the idea that Paul Crotty be nominated to the bench. I knew Paul in many different walks of life and thought it was a great idea and was happy to not only support his nomination but to work hard to see that it would pass.

Let me tell you a little bit about Paul Crotty. He has had a long and distinguished career in both the public and private sectors of the New York legal community. He graduated from Cornell Law School in 1967. He clerked 2 years for U.S. District Court Judge Lloyd MacMahon of the Southern District, the court to which he is now nominated. He served in city government as Mayor Koch's commissioner of finance and commissioner of housing. He was a partner in the very prestigious New York law firm of Donovan Leisure Newton Irvin.

He went on to serve Mayor Giuliani as New York City's corporation counsel and the head of the city's law department, perhaps the single most difficult legal job in municipal government anywhere in America.

Mr. President, Paul Crotty is an incredible choice. I have known him for a long time. He is smart, compassionate, decent. He has the two qualities I look for in a judge: a fine and deep intellect and a practical sense. Sometimes I worry that judges without practical experience impose things on Government or on society that cannot work, even though they might sound fine when you see it in writing and in black and white.

Paul's extensive and practical experience, as well as his legal experience, makes him a perfect candidate for a judge in the district court in the Southern District of New York, one of the most important courts in the country.

I want to make one other point. In New York, Paul Crotty's nomination is not the exception, it is the rule. We have worked extremely well together—the White House, the Justice Department, and the Senator from New